National Anti-Slavery Standard.

SYDNEY HOWARD GAY, Editor. Without Concealment....Without Compromise. EDMUND QUINCY, JAMES RUSSELL LOWELL, } Corresponding Editors.

VOL. XI....NO. 48. NEW-YORK, THURSDAY, APRIL 24, 1851. WHOLE NO. 568.

Published Weekly, BY THE AMERICAN ANTI-SLAVERY SOCIETY, AT 142 NASSAU STREET, NEW-YORK.

Terms: TWO DOLLARS PER ANNUM.

☞ All communications for the paper, and letters relating to its pecuniary concerns, should be addressed to S. H. Gay, New York.

☞ Donations to the Treasury of the American Anti-Slavery Society may be forwarded to Francis Jackson, Treasurer, at Boston; or S. H Gay, New York.

NORRIS, BROTHERS, PRINTERS.

SELECTIONS.

Commissioner Curtis's Decision.

The following is the opinion of United States Commissioner Curtis, delivered last week in Boston, in the case of Thomas Sims:—

On Friday last, Thomas Sims, a man of color, of about twenty-two years of age, was brought before me under a warrant, issued at the instance of James Potter, a citizen of Chatham county, in the State of Georgia, who claims him as a fugitive from service. The hearing of this case has been continued from day to day, until the present time, and I am now to give my decision.

That decision it would require but a very short time to pronounce, if there had not been raised a question of law, which I must examine and pass upon. The learned counsel for the prisoner have argued with great ability the question of the constitutionality of the act of Congress under which this warrant was issued, and have called upon me, as they have a right to do, to affirm or deny it. It can scarcely be necessary for me to say, that I should have been glad to have been relieved of this labor and responsibility, by any tribunal whatever, competent to assume the decision of the question; but inasmuch as my decision is final, so far as the restoration of the fugitive to the State of Georgia is concerned, and inasmuch as no Court has felt it to be necessary to interpose to relieve me of this responsibility, I know of no reason why I should shrink from it. I have been told, indeed, by the learned counsel, who closed this case for the prisoner, (Mr. Charles G. Loring,) that it seems to have been the design of the projectors of this law, to make it as odious as possible to the people of the free States; and that if it is held to be constitutional, endless agitation must ensue.

I have been told that my decision will send this man to perpetual Slavery: and as if to increase to the utmost intensity the responsibility of acting according to its imperative requisitions, I have also been told that there are many persons in this community, fully entitled to remain here, who will be placed practically and directly in the peril of its grasp, if it is held to be constitutional.

I am here to decide the grave question of law, the decision of which, so far as the rights of the parties before me depend upon it, has been unavoidably cast upon me. I am to decide that question upon my conscientious convictions of the truth, by an intellectual process, over which consequences can have no just influence or control. I have listened, with all the attention I could command, to what has been addressed to my reason. I have too much respect for the learned counsel, and have too strenuously endeavored to keep my mind in an attitude where it could appreciate his argument, to have allowed myself to suppose that any part of it was intended to be addressed to my fears. I recognize in his suggestions, and his earnest assertions, only evidence of the strength of his convictions, and of his sense of the importance of the opinions, which he so ably and zealously maintains.

The learned counsel said to me, in the course of his argument, that there was a consideration connected with the Statute under which I act, which must be humiliating to this Court, and to every other that had anything to do with it, and that was the clause which made the compensation to depend upon the manner in which the case was decided. If the learned counsel supposed that the sum of five dollars was likely to influence my judgement upon any question in this case, he did right in reminding me that the Statute provides for a compensation. But it would, in my opinion, have been well, if the learned counsel, before he addressed to me this observation, had examined the Statute, to see whether, although it authorizes the Commissioner to receive a compensation, it imposes upon him any obligation to take it. If it does not, I see no cause for humiliation, and I certainly feel none.

In stating the views which I entertain of the various grounds of objection to the constitutionality of this law, urged by the learned counsel for the prisoner, I shall not undertake to answer the whole of their course of reasoning. My purpose will be to state the reasons which satisfy my own mind that their objections are untenable. Them I cannot expect to convince, under the circumstances of the present occasion; nor is it any part of my duty to endeavor to do so. My duty, according to my understanding of it, will be fully discharged by stating my own convictions upon the several questions that have been discussed. Nor shall I undertake to examine arguments that have been made elsewhere, or to follow and refute any process of reasoning or declamation, that have led others to the opinions which they entertain, with regard to this constitutional question.

The first objection taken by the learned counsel for the prisoner to the constitutionality of this Act of Congress, is, that the power which the Commissioner undertakes to exercise under it is a judicial power, and the Constitution of the United States does not authorise Congress to confer judicial power upon any persons but Judges with stated salaries, appointed by the President for life, and holding their offices during good behavior. The 3d Article of the Constitution declares that "The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States," &c., and it also declares "That the judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office." The Commissioner, it is very properly contended, is not such a Judge.

The principal authority relied upon by the learned counsel to sustain their position that the power conferred upon the Commissioner is a judicial power, is a passage in the opinion of the Supreme Court of the United States, (pronounced by Mr. Justice Story,) in the case of *Prigg vs. the Commonwealth, of Pennsylvania*, 16 Peters, 616. That passage is as follows: "It is plain, then, that where a claim is made by the owner, out of possession, for the delivery of a slave, it must be made, if at all, against some other person; and inasmuch as the right is a right of property, capable of being recognized and asserted before a court of justice, between parties adverse to each other, it constitutes in the strictest sense, a controversy between the parties, and a case arising under the Constitution of the United States, within the express delegation of judicial power given by that instrument. Congress, then, may call that power into activity for the very purpose of giving effect to that right; and if so then it may prescribe the mode and extent in which it shall be applied, and how, and under what circumstances, the proceedings shall afford a complete protection and guaranty to the right."

The force and effect of any passage in the opinion of a Court depends, of a course, upon the question decided, and upon the course of reasoning employed in coming to the decision. The great questions raised and decided in Prigg's case were, whether as a matter of jurisdiction, the surrender of fugitives from service was imposed by the constitution upon the general government, or upon the state governments; and if upon the general government, whether Congress could legislate to carry the injunction of the constitution into effect. The decision of the Court was, that this duty was imposed exclusively upon the general government; and being imposed there, upon the great principle that where there is a duty imposed, the means of fulfilling it are by necessary implication a part of the grant, that Congress possessed a full authority to provide these means by legislation. In coming to this result, the court laid down the two positions contained in the passage cited at the bar, and which I have just read. They held first, that a claim for the possession of a fugitive slave was a case arising under the Constitution of the United States, and so was within the grant of judicial power which that constitution had conferred upon the general government; secondly, that being such a case, belonging to the judicial power of the Union, and not to that of the States, it was for Congress to regulate and prescribe the remedy, the form of proceedings, and the mode and extent in which the judicial power of the Union should be called into activity.

Now, the learned counsel for the prisoner have insisted most strenuously on the first of these positions, but they have said nothing with regard to the second. I see not why they are not both equally binding upon my judicial conscience. They are both the solemn annunciations by the highest tribunal of the country of doctrines of constitutional law; and if I am to take the one, as I certainly do take it, to be settled law, I am equally bound to regard the other also in the same light.

I admit, then fully, that a claim for a fugitive slave is a case between parties, arising under the Constitution of the United States, and therefore that it belongs to the judicial power of the United States. I admit also, and maintain, that, inasmuch as this case belongs to the judicial power of the United States, it is for Congress to decide in what mode, to what extent, and under what forms of proceeding that judicial power shall be called into exercise, in order to give effect to the right of the owner claiming a fugitive slave. If so, the only question is, whether this particular form of procedure, authorised by this Act, is or is not such a form of exercising the judicial power, as it is competent to the general government to employ.

I take it to have been as true at the time when the constitution was formed, as it has been since, and had been for a very long time previous, that in all governments formed upon the English model and possessing the English constitutional division of the executive, legislative and judicial departments, there is in the administration of the laws and the discharge of the functions of government, a certain class of inquiries, judicial in their nature, but which are confided to officers not constituting a part of the judiciary, strictly so called. Thus in England, a Master in Chancery performs duties which are certainly in their nature judicial, and which are conferred upon him by statute or the immemorial usage of the court of which he is an officer. His decisions, involving adjudication upon matters of law and fact, in contestation between parties, are for some purposes and for the ascertaining of some present rights, final. Yet a Master in Chancery is not, and never has been, from the most ancient periods of which there is any trace of his office, regarded as one of the Judges of England. In the Year Book, 27, Hen. VIII. fol 15, it is said that in the Court of Chancery there is but *one Judge*, viz., the Chancellor; and I presume it was never supposed that the Acts of 13 Willi. III. c. 2 and 1 Geo. III. c. 23, the great statutes which regulated the commissions of the Judges and their tenure of office, had any application to the Masters of the Court of Chancery.

In like manner, a sheriff in England has a judicial capacity, and performs several judicial functions. "In his judicial capacity," says Blackstone, 'he is to hear and determine all causes of forty shillings value and under, in his county court, and he has also a *judicial power* in divers other civil cases." (4 Blackstone Com. 343). Yet the sheriff, instead of being appointed *quamdiu se bene gesserit*, and with a stated salary, is appointed for a year, and receives no salary.

It is unnecessary to multiply these illustrations from English usage, to show that there is a class of inquiries of a judicial nature, constituting in one sense the exercise of judicial power and generally directed for a special purpose, which are confided to officers who are not judges. This usage is, in truth, much older than the very origin of English law, and was derived apparently from the Roman jurisprudence. There was a class of officers, under the Roman Law, called the *Pedanei Judices*, the assistants of the Prætor, to whom he was in the habit of delegating some of his judicial duties, for special purposes, and who were allowed to receive gratuities from the parties for their services. (Dig. ii. 1. 16. Just. Novel. lxxxiii. c. 9.) There is little doubt that the office of Master was borrowed from this source.

When we come to the practice of governments, constituted as ours are under written constitutions, carefully separating the judicial from the other powers of government, and strictly defining the tenure of the judicial office, if we find the same usage to prevail, and that it is extensively practised, it certainly shows that there exists in our system also a class of inquiries, judicial in their nature, and especial in their purpose, which may be confided to the determination of officers who are not judges. The Constitution of this Commonwealth declares that "all judicial officers" shall hold their offices during good behaviour, and shall be appointed by the Governor, by and with the advice and consent of the Council. The Bill of Rights, moreover, with great stringency declares that neither the legislative, executive or judicial departments shall ever exercise the powers of either of the others, "to the end it may be a government of laws and not of men." Yet the Legislature of this Commonwealth have authorized a sheriff to preside at trials by juries, summoned to assess damages, for laying out highways; have made it his duty to "decide all questions of law arising on the trial, which would be proper for the decision of a judge; and to direct the jury upon any questions of law when requested by any party; and to certify to the court, with the verdict, the substance of any decision or direction by him given, when any party shall request it." (Rev. Stat. c. 24, sec. 23—25.) Of course, if neither party does request the sheriff to certify his rulings, they are final and conclusive; and this constitutes, in the most ample sense, the exercise of judicial power by an officer whom no one can suppose is a judge. In like manner the Legislature of this Commonwealth have authorized the courts to appoint auditors, to hear matters of account. An auditor exercises judicial power, adjudicates and settles matters of law and fact, and determines a present right; for although his decision is not final, yet it changes the burthen of proof from the plaintiff to the defendant, if the adjudication is in favor of the former. Yet an auditor certainly is not a judge, or a "judicial officer," within the meaning of the Constitution.

So also, the extensive and important duties imposed by statute upon Commissioners of Insolvency constitute the exercise of judicial power. But can any one suppose that it is not competent to the Legislature to regulate the appointment and tenure of office of these officers, according to their pleasure, because the Constitution fixes the appointment and tenure of office of "all judicial officers?" What is the Court of County Commissioners, but a tribunal exercising judicial power? Yet the appointment of County Commissioners is sometimes vested in the executive and sometimes in the people, according to the prevailing fancy of the Legislature.

It is not necessary to go further, with the practice of this Commonwealth. It shows that here, as elsewhere, it is well understood that there are certain judicial functions, having special objects, which are and must be exercised by inferior officers, not appointed, qualified, or commissioned as the constitution of the State requires Judges to be appointed, qualified and commissioned. This usage prevails under the government of the United States. Under that government, for instance, there is an officer called Commissioner of Patents. He exercises judicial power; for the question whether one of two rival inventors is entitled to a patent, is a case arising under the Constitution and laws of the United States, and its decision involves adjudication of matters of law and fact, between contending parties.—Moreover, the decision of the Commissioner is final as to a present right; for although the validity of the patent may be contested elsewhere, yet the granting of the patent to one party and not to the other, clothes the party who receives it with the very right for which both were contending—the right to be deemed, as against all the world, *prima facie*, the first inventor of the thing patented. Now, no one has ever thought of complaining of the creation of this office, as an improper mode of exercising the judicial power of the United States.

There are other officers of the United States, whose duties touch more nearly the ordinary administration of justice in the Courts of the United States in which capacity I now sit here. By an Act of Congress passed Feb. 20, 1842, the Circuit Courts of the United States were empowered to appoint Commissioners to take bail and affidavits in civil causes. By a subsequeut Act, passed March 1, 1817 the powers of these Commissioners were extended, to enable them to take depositions, to be used in Courts of the United States. By a still more recent Act, passed Aug, 23, 1842, their powers were further extended, to enable them to arrest and imprison for trial persons committing offences against the laws of the United States. Nearly nine years, therefore, have elapsed, since these officers have been called upon to exercise judicial power, in arresting, examining and imprisoning offenders against the laws of the United States. Hundreds and thousands of seamen, and other persons, have, by these Commissioners, been so arrested, examined and imprisoned, and we have never heard it intimated that they ought first to have been appointed by the President and commissioned for life. Yet the power which they exercise is a part of the judicial power of the United States. The result of the examination is final and conclusive, for a special purpose, to wit, the imprisonment of the party until trial. It settles a present right, namely, that the party is to be deprived of his liberty until a fixed time shall arrive when a Grand Jury will determine whether to find a bill of indictment against him or not. This is clearly the exercise of judicial power, of a limited and special nature, conferred by Congress upon officers who are not Judges.

The truth is, then, as it would seem, that in every government of laws, administered by a judiciary, there must be a class of judicial inquiries, embraced within the general compass of the judicial power, but from their special, limited and ministerial nature, capable, without violating any constitutional rule, of being withdrawn from the action of the Courts, and intrusted to officers specially authorised to conduct them. It may be difficult to define the boundary, on one side of which all these cases would range themselves. It might be wholly inexpedient to define it, in a written Constitution. That it exists, no jurist can entertain any doubt; and it seems to me the only question in this case is, whether Congress, in authorising these summary proceedings before a Commissioner, for the surrender of a fugitive from service have passed that boundary or not.

I am clearly of opinion that they have not; and this brings me to the consideration of the nature, character, and effect of this proceeding, in regard to which I differ entirely from the learned counsel for the prisoner. He maintains that this is a trial of the right of Thomas Sims to his liberty, and that it is a final trial; that it is ministerial or auxiliary to nothing whatever; but that if the certificate be granted, Thomas Sims is consigned to perpetual Slavery. Many of the arguments employed by the learned counsel to sustain his position consist of conjectures or suggestions, as to what the claimant is physically able to do, after he gets the prisoner into his possession. If the learned counsel expects that in settling a question of constitutional law, and in determining on the character and effect of this proceeding, I am to look out of the statute, away from what it authorises the claimant to do, and to indulge my imagination as to what he may do aside from it, I am afraid that I can not satisfy the expectation.—It has, however, been argued that the claimant *may* tear up the certificate the moment he receives it; that he *may* carry the prisoner to any other State, or to Cuba, or Brazil, and sell him: or that if he ever takes him to Georgia, he may hurry him into the interior, upon a plantation, and break down his spirit, and refuse him all opportunity to obtain a trial of the question of his freedom. These things, which it is said the claimant *may* do, are gravely put to me as considerations, upon which I am to determine what it is that *the United States* undertakes to do, when it surrenders this man for removal to the State of Georgia. I am of opinion that *this* question is to be determined by the provisions of the Constitution and the act in question.

In the first place, then, I hold that the rendition of fugitives from service, under the Constitution, is an act analagous to the rendition of fugitives from justice, and that the two cases, so far as the powers and duties of the general government are concerned, are of the same general character, and may appropriately be provided for by the same general means It has indeed been declared at the bar that the two cases are as wide from each other as possible, and that they were made so by the Constitution. There is, however, respectable—I may say more than respectable—authority for the position, that they are not only analogous, but that the Constitution contemplated similar proceedings in both. Mr. Justice Story, in his Commentaries on the Constitution, speaking of both of these provisions, holds the following language:—

"It is obvious that these provisions for the arrest and removal of fugitives of both classes contemplate summary ministerial proceedings, and not the ordinary course of judicial investigations, to ascertain whether the complaint be well founded, or the claim of ownership be established beyond all legal controversy. In cases of suspected crimes, the guilt or innocence of the party is to be made out at his trial; and not upon the preliminary inquiry, whether he shall be delivered up. All that would seem in such cases to be necessary, is, that there should be *prima facie* evidence before the executive authority to satisfy its judgement, that there is probable cause to believe the party guilty, such as upon an ordinary warrant would justify his commitment for trial. And in the cases of fugitive slaves, there would seem to be the same necessity of requiring only *prima facie* proofs of ownership, without putting the party to a formal assertion of his rights by a suit at the common law. Congress appear to have acted upon this opinion; and accordingly, in the statute upon this subject, have authorised summary proceedings before a magistrate, upon which he may grant a warrant for a removal." (3 Story's Com. on the Constn., § 1806.)

The Commentaries were written and published nearly ten years before the case of Prigg vs. Pennsylvania occurred. When the learned judge came to deliver the opinion of the court in that case, he said—"There are two clauses in the constitution on the subject of fugitives, which stand in juxtaposition with each other, and have been thought mutually to illustrate each other." (16 Peters, 611.) Let me ask, by whom have they been supposed? Manifestly, by the Congress who enacted the law of 1793, which provided for carrying both these clauses into effect in the same statute, and by similar proceedings, with the single difference that in the one case the appropriate proof was to be presented to the executive of a State, who is to deliver the fugitive to the agent of the State demanding him, and in the other the appropriate proof is to be presented to a judge of the circuit or district court of the United States, or any magistrate of a county, city or town corporate, who is to grant a certificate to the claimant, authorising him to remove the fugitive to the State or Territory from which he fled. [Act of Feb. 15, 1793.] It is obvious, therefore, that so far as the legislation of the country, practised under for nearly sixty years, can have any tendency to establish an analogy between these cases, this legislation warrants the position that they are analogous. In addition to this, the declaration of the Supreme Court of the United States, in Prigg's case, carefully and industriously made, that they regarded the act of 1793, relative to fugitive slaves, "as clearly constitutional in all its leading provisions, and with the exception of that part which confers authority on *state* magistrates, as free from reasonable doubt or difficulty, to my mind clearly authorises the inferences that it is as lawful for Congress to authorise summary ministerial proceedings in the case of one class of fugitives, as it is in the case of the other, for it is quite plain that they *had* authorised such proceedings in both.

In the addition to the authorities already cited to this point, I may also rely on that of the Supreme Court of Pennsylvania, who, in the year 1819 said of the law of 1793, that, "It plainly appears, from the whole scope and tenor of the Constitution and Act of Congress, that the fugitive was to be delivered up, on a summary proceeding, without the delay of a formal trial in a court of common law. But if he had really a right to freedom, that right *was not impaired by this proceeding;* he was placed just in the situation in which he stood before he fled, and might prosecute his right in the state to which he belonged." Wright vs. Deacon, 5 Serg. and Rawle, 64.

It would seem, therefore, that it only remains to inquire whether the act of 1850 authorizes or requires anything more than a summary ministerial proceeding, in aid of the right secured by the Constitution—namely, the right of removal. In order to determine this, it is necessary to look at the proceedings which have been authorized. The statute, like the act of 1793, requires the claimant to present to the Commissioner proof that the person whom he demands owes him service in another State; and when the Commissioner is satisfied of this, he is to grant a certificate, which will authorize the removal. Now it seems to me to have very little tendency to show that this is a full and final trial on the question of servitude, to say that the proof required to be offered is, that the party is held to service. The force and effect of the evidence required by the statute *must* be limited to the object for which it is required; and if that object be, as it clearly is, to establish the right of removal only, it cannot be extended to another and ulterior object, namely, the right to continue to hold the party after he has been removed. In the case of a fugitive from justice, it must be proved that he has committed a crime. But proved for what purpose? Clearly, to establish the right of removal. This having been established, the warrant that authorises his removal has no effect to authorize his imprisonment or punishment in the State to which he is removed; but the right of that State so to hold and punish him, must be established just as if he had never left its jurisdiction.

I am equally unable also to feel the force of the objection, that in the case of a fugitive from service he is surrendered to his owner, whereas a fugitive from justice is surrendered to a State: for the fact seems to me to have no tendency to show that the proceedings here are in either case, a trial of anything more than the right of removal. In both cases, the Government of the United States surrenders the fugitive or provides for his surrender, to the party to whom it has stipulated that he shall be delivered up. That party, in the one case, is the owner, who claims a right to hold the fugitive after it has received him. In the other, it is the State which claims to hold and punish the fugitive after it has received him. In both cases the Government of the United States does nothing more than to surrender him or to provide for and cause his surrender. It is not true that in the case of a fugitive from justice, security is taken that the party will be tried. The Act of 1793 does not *require* that he should even have been indicted. He may be demanded, although he is only charged with a crime on an affidavit sworn before a magistrate in the State from which he has come. Neither does the statute of this Commonwealth make any provision by which the executive of this State, when it surrenders a fugitive from justice, is to stipulate that he shall be tried. [Rev. Stat. c. 145, § 7, 8, 9.]

Neither does the Government of the United States, when it surrenders a fugitive from justice to a foreign country, hold over him its protection, until he has been tried. Such a fugitive is not surrendered under the law of nations, but under a treaty stipulation; and in the case of the treaty with England, he is to be delivered up to justice but that justice is to be regulated, administered and dealt out to him, not according to the demands or the ideas or forms of proceedings of this Government, but according to the absolute discretion of the Government that receives him. In all these cases, the Government making the surrender, undoubtedly makes it, in the general faith and confidence, which the comity of nations requires independent governments to place in each other, that the power demanding a fugitive will deal with him justly. But it does not ordinarily make stipulations to secure a trial, or a particular mode of administering justice. and unless such stipulations are made, it can exercise no control over the matter.

In the case of fugitives from service, there may be practical difficulties or improbabilities as to a trial after the fugitive is returned. But the question here is whether the Government of the United States, in making the surrender which it has stipulated to make, is constitutionally bound to stipulate for a trial; and whether, because it has not made such a stipulation, its omission to do so makes these proceedings final and conclusive, instead of ministerial. I think neither of these positions is true. I know of nothing to prevent the general government from surrendering a fugitive slave if it sees fit, trusting to the government of the State to provide him with the means of testing his alleged owner's right to hold him, after he has received him. It is suggested that there are practical difficulties and improbabilities. On the other hand it may be suggested that there are practical means and provisions well known to be made by the slave States for trying these questions of freedom by process instituted for the express purpose; and the Government of the United States, for aught that I can see, has just as clear a constitutional right to look to one class of probabilities, as to the other. Its looking to the one and not to the other, does not makes its own proceedings, clearly designed to be ministerial and to see only the limited right of removal, a full and final trial of a right which it obviously intends to leave to another government to adjudicate, upon the faith that it will do justice to its own subject.

Entertaining, therefore, a very clear opinion that these proceedings are ministerial, and that it is perfectly competent to Congress to authorize a magistrate, appointed by the authority of Congress, who is not a judge, to make this judicial inquiry for this special and limited purpose,—I come now to examine the authorities which have been cited at the bar, in order to ascertain how far that competency is a settled question. The learned counsel for the prisoner has said, perhaps with entire correctness, that the question of the constitutional right of Congress to confer this right upon an inferior magistrate has never been directly raised, argued, and decided in any court in this country, with the exception of a very recent case in the supreme court in this State. He admits, however, that the case of Prigg *vs* the Commonwealth of Pennsylvania, (16 Peters) does contain *language* that authorises this jurisdiction, although he denies that such an effect ought to be given to the case. But it seems to me that I am bound to give effect to the solemn declaration of opinion found in that case, for I find it declared, that that Court entertained no doubt that *State magistrates* may, if they chose, exercise this authority, unless they are prohibited by State legislation

The case of Wright *vs.* Hall, 5 Serg. and Rawle, 62, is an authority directly in point. The Supreme Court of Pennsylvania in that case decided that a writ *de homine replegiando* would not lie, to interrupt a certificate granted by a State magistrate, for the removal of a fugitive slave. The certificate was granted by a Judge of the Court of Common Pleas, who undertook to act under the law of 1793. In the case of Jack *vs.* Martin, 12 Wendell 311, the Recorder of the City of New York had granted a certificate, and the Supreme Court of the State decided that a writ *de homine replegiando* could not prevent his removal. In the case of Commonwealth *vs.* Griffith, 2 Pickering 11, no warrant had been used, and no magistrate had undertaken to act, but the alleged fugitive had been seized by the agent of the owner, without process. In like manner, in the case of Glen *vs.* Hodges, 9 Johnson, 67, the slave had been seized without process, and consequently this question was in no way involved in the decision. These are all the authorities cited at the bar, with the exception of a case, which, I am informed, occurred in the Supreme Court of this Commonwealth on Monday last, in reference to this proceeding. It is stated by the counsel on both sides that an application was made to that court for a writ of *habeas corpus*, to bring up the body of Thomas Sims, upon the ground that his arrest and restraint under my warrant is unlawful, for the reason that I had no authority to issue it. I understand that the same question was argued, which has been argued before me, and that the court unanimously sustained my authority to issue the warrant, and refused the writ. I have not seen any report of the decision, but I presume that this question is now entitled to be considered as settled, by other authority than my own.

II. The second objection taken by the learned counsel for the prisoner is that this proceeding is a suit at common law, in which either party has a right to demand a trial by jury: and inasmuch as the Act of Congress has withheld a trial by jury, it is unconstitutional and void, as against the 6th Art. of the Amendments to the Constitution, which declares, that "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."

I have endeavored, in the foregoing discussion, to show, on the authority of the Supreme Court of the United States, on that of the Supreme Court of Pennsylvania, on that of Mr. Justice Story as a Commentator on the Constitution, and by some views of my own, that this is a summary ministerial proceeding, in aid of a right of removal, and that the liberty of the party is not in contestation here, for final adjudication. If this be so, and I can entertain no doubt that it is, this proceeding is not a suit at common law, in which either party can, as a matter of right, demand a trial by jury. If it were a proceeding in which the rights of the parties were to be tried for final adjudication, then I should agree, that the prisoner could, as a matter of right, demand a trial by jury, if it were true that slaves are entitled to the benefits of the Constitution of the United States. But as I hold it to be a proceeding of an entirely different character, which, although it involves an inquiry judicial in its nature, is merely provided in aid of a right of removal which the claimant would have without it, under the Constitution, I am of opinion that a trial by jury cannot be demanded, and consequently that this objection to the Act is untenable. The decision of the Supreme Court of the United States, in Prigg's case, that the law of 1793, which also withheld a trial by jury, is constitutional in all its leading provisions, it seems to me fully disposes of this question.

III. The next objection taken by the learned counsel for the prisoner is, that the Transcript of a Record, authorised by the statute to be made in the State where the claimant resides, is incompetent evidence, Congress having no power to confer on State Courts authority to take such testimony.

The argument in support of this objection is that the exercise of an authority to take testimony to be used in this proceeding, or to find a fact involved in the decision to be made, in the exercise of judicial power which Congress cannot constitutionally confer upon a State Court or Magistrate. In order to make the answer to this objection, which satisfies me that it is wholly unfounded, intelligible, it is necessary to recur to the provisions of the statute. The 10th section of the Statute contains the following provisions:—

"That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent or attorney, may apply to any Court of Record therein, or Judge thereof in vacation, and make satisfactory proof to such Court, or Judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party: whereupon the Court shall cause a record to be made of the matters so proved, and also a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said Court, being produced in any other State, Territory or district in which the person so escaping may be found, and being exhibited to any Judge, Commissioner, or other officer authorized by the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned."

By virtue of this provision, one branch of the inquiry directed by the statute to be made, before a certificate is granted for removal, is directed to be made by a Court or Judge of the State from which the fugitive has escaped. This part of the inquiry is, whether any body, owing service, has escaped. The other branch of the inquiry, namely, whether the prisoner arrested here, is the person who so escaped, is directed to be made here, by the Commissioner. I shall have something to say concerning the obvious reasons for the provision in another part of this opinion. At present, it is only necessary to say, that the objection is answered, by the view which I take of the nature and character of this proceeding, and by the decision of the Supreme Court of the United States in the case of Prigg; for if it is true, as the Court there declared, that State magistrates may, if they choose, exercise the whole of this jurisdiction, find every fact involved in the inquiry, and grant a certificate upon such finding, it is surely competent to Congress to confer upon a State magistrate authority to exercise a part of this jurisdiction and to make a part of this inquiry. That the finding of a State magistrate upon that part of the inquiry which he is authorised to make, is made conclusive upon the Commissioner here who is to find the other fact, and to do something therein, is in strict analogy to a class of cases, where officers, who are not part of the judiciary, are directed to make certain inquries, and to find certain facts, which are to have certain legal consequences, when presented to a tribunal authorised and directed to act thereon. I will cite a single but very important instance of this class of cases:

A statute of this Commonwealth, passed in 1838, directed Banking Commissioners to be appointed by the Governor, to examine the banks, and if they should be of opinion that any bank was insolvent, or in a condition that made its further progress hazardous to the public, or that it had exceeded its powers, they were to apply to a Justice of the Supreme Judicial Court, who should forthwith issue an injunction, to restrain the bank from further proceeding with its business, until a hearing could be had. In the case of *The Commonwealth vs. The Farmers' and Mechanics' Bank*, (21 Pick. 542) the objection was taken that this law was unconstitutional, because it was an usurpation of judicial power, to confer on the Bank Commissioners authority to find a fact, and then to require a Judge, on that finding and without evidence to satisfy his own mind, to issue the injunction. The Supreme Court overruled the objection, and held that it was competent to the Legislature to confer authority upon the Bank Commissioners to find and represent to the Court a state of facts, on which the Court were to found a present and immediate action. This is entirely analogous, in principle, to what Congress have done in the present instance. They have authorised certain persons in another State to find a certain fact, on which the Commissioner here is to act, when it is properly certified to him.

IV. The next objection taken by the learned counsel for the prisoner to the constitutionality of this Act of Congress, is, that the prisoner was not present at the taking of the evidence before the State Judge, and had no opportunity to cross-examine the witnesses, and therefore the evidence is incompetent. If the prisoner is the identical person mentioned and described in this transcript of a record as having escaped from Georgia while owing service, and it has been proved to me, by evidence wholly independent of the record, that he is, his absence from the State where the evidence is directed by law to be taken, so that he could not be served with notice, if he was entitled to it, was in his own wrong, and he cannot now complain that he had no opportunity to cross-examine the witnesses.

V. The last objection of the learned counsel is, that Congress have no power to legislate on the subject of the surrender of fugitive slaves, at all, but that it is a power and duty which belongs exclusively to the States.

I might rest here, wholly upon the authority of that high tribunal which is supposed to settle the construction of the Constitution of the United States. But as all these questions have been pressed upon me, in a manner to challenge my separate and independent judgment, I shall briefly state my view of a question, which has long been part of the settled law of this country.

It is not necessary to look into the historical grounds on which this clause of the Constitution is believed to rest, in order to see in it a purpose which can be effectually accommplished only by the national government. The very words of the clause seem to me manifestly to discharge such a purpose. They declare that these persons shall not be discharged from their service or labor in the State to which they may have fled, "in consequence of any law or regulation therein." It would seem, therefore, to be beyond controversy, that the object of this provision was to prevent State legislation from interfering with or impairing the right of the master to the service of his slave. It intended to declare, and it does declare, that whatever may be the law of Massachusetts, on the subject of personal liberty, that law shall not be applicable to a person who owes service or labor in the State of Georgia, simply because he has escaped within the limits of this Commonwealth: but that the master or owner to whom such service or labor is due, shall retain unimpaired the right to that service or labor, which the law of his own State has given him.

Here, then, is a leading purpose, which the Constitution meant to secure and accomplish, and which must be accomplished by means. The clause is not silent as to the means. It does not stop with the simple annunciation of the principle that the law of a free State shall not apply to a fugitive from service due in another State. It declares that such a fugitive "shall be delivered up on claim of the party to whom such service or labor is due." Now, undoubtedly, the question arises upon this injunction, by whom is he to be delivered up? But is it not quite obvious, that a construction which confines the duty of making such delivery to the State government, may defeat the whole purpose which the previous part of this clause manifestly discloses? That purpose is to prevent any State legislation whatever, from discharging the obligation. But to say that the State, whose legislation or whose common law, if left to operate upon these cases, must discharge that obligation, is the authority and the sole authority, entrusted with the power and duty of preventing this consequence, is to put it in the power of the State to do that which the Constitution says shall not be done.

It is, to my mind, no answer to this difficulty, to say that the Constitution prohibits the States from doing certain other things, and at the same time leaves them physically free to do them, if they see fit, or in other words, leaves them to exercise their own volition whether to do them or to refrain from them. The Constitution declares that no State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; but every State is physically able to disregard this prohibition, and its legislation will operate upon individuals until the judicial power interposes. There is no active and instantaneous means of enforcing the prohibition provided by the Constitution, for the simple reason that the nature of the case does not require any, but the remedy may well be left to the slow but certain operation of the judicial power.

But in the case of the prohibition in question, which forbids the law of a State from operating to discharge an obligation of service in another State, there is superadded to the declaration of this principle the means of giving it an immediate and certain operation, by the "delivery" of the person owing that service to the person to whom it is due. I cannot bring my mind to the conclusion that it was intended by the Constitution to leave the sole application of these means, thus industriously added to the prohibition, to the very authority against whom the prohibition itself is directed. On the contrary, it seems to me that when the Constitution prohibited the laws and regulations of the States from operating to discharge the obligation of service, and in order to prevent this operation, provided that the party should be "delivered up," it meant to cast, at least, the concurrent duty of causing that delivery, upon the power which can alone effectually accomplish it—the general government. To this I have only to add, that the question of the power of Congress to legislate on the subject of the surrender of fugitive slaves, is conclusively settled by the Supreme Court of the United States, in the case of Prigg, and upon their authority it may be safely left to rest.

One other objection, of a technical character, remains to be noticed, and that is, that the power of attorney, under which the agent of the claimant undertakes to act, is not properly authenticated. This power of attorney is acknowledged before and certified by a Notary Public of the city of Savannah. The statute requires the power of attorney to be "acknowledged and certified under the seal of some legal officer or court of the State or territory in which the same may be executed." (§ 6). The objection is, that a Notary Public is not a legal officer, within the meaning of the statute. I am of opinion that he is. A Notary Public, by the nature of his office, and according to the law and usage of all civilized States, is a general certifying officer to the written acts of individuals, intended to be used in another country than that where they are executed. His authority, for *this* purpose, does not depend upon the local law, but upon the nature of his office, as understood and admitted everywhere and in this respect, he differs essentially from many other magistrates. In the case of Lord Kinnaird *vs.* Lord Saltoun, 1 Maddox's Ch R., it was held, that if a deed is formally executed in a foreign country, and the execution is authenticated by a Notary Public, this is sufficient proof to entitle it to be read; but if authentication was before the Mayor of a foreign town, it is not received without proof of his office.

I now come to the evidence which has been offered here, to establish the right of the claimant to remove from this district Thomas Sims, the prisoner at the bar. Two propositions are to be established affirmatively by the claimant in every case under this act. 1. That some person owing service or labor to claimant, escaped from the State where such service or labor was due; 2d. That the prisoner under arrest is the person who so escaped.

The statute prescribes a particular mode in which the first of these propositions may be proved, although it does not confine the claimant to that particular form of proof. If, however, the claimant sees fit to make use of this mode of proving the fact of an escape by a person owing service, the evidence, when put into the form required by the statute is conclusive of that fact, but of nothing beyond it. The second proposition, involving the identity of the prisoner with the person described to have escaped, remains to be proved by independent and satisfactory evidence, and is open to contestation, as long as a doubt can exist about it.

The provision of the statute, which prescribes the mode in which a claimant may make this conclusive proof of the fact of an escape by a person owing service to him, has already been read.

It is not at all difficult to see the reason for the introduction of this provision into a new law, designed to furnish a more effectual remedy than the old one, for the recaption of fugitives from service. Congress evidently considered that, from the great extent of the Union, there must be vast multitudes of cases, in which the owners of the fugitives could not personally leave home, or send in person the witnesses who might be able to prove the fact that some one had escaped who owed service. It was therefore necessary to make some provision by which this fact could be proved, without transporting witnesses from one end of the United States to the other—for this fact lies at the foundation, in every case, of the right to arrest and remove an alleged fugitive.

This provision was made in the section above cited and to my mind there is great security to liberty in its requisitions. In the first place, it is no inconsiderable safeguard to have a judicial inquiry into the fact, before the claimant sets forth in pursuit, that some one who owed him service has escaped. It has a manitest tendency to increase the difficulties of setting up fictitious and unfounded claims. It furnishes to the tribunal in a free State—called upon to make an arrest, the satisfactory assurance that a respectable tribunal of the vicinage has verified the fact that there was a certain slave, and that that slave has escaped. Any one who has been called upon in a free State to issue process to arrest one of these fugitives, must have felt the force and value of such a verification.

In the next place, the statute, by requiring the claimant to make a description of the person who he says has escaped, and by requiring that description to be made matter of record, has furnished to the tribunals in a free State making an arrest an additional safeguard against imposition or mistake. A written description, made with all the convenient certainty that the case admits of, and made too at a time and place, when and where the claimant cannot nicely adapt it to the exigencies of the arrest which he intends to make, is placed before the Court or Commissioner here, as the very groundwork of the case. In the third place, the statute, by making the record conclusive of the fact of escape, and that the service of the *party escaping* was due to the claimant, makes the recorded desoription also conclusive. The claimant cannot alter it, or amend it, by making one hair white or black. He comes with a record in his hand, and to that record he is bound, as soon as he presents it to the Commissioner. He must bring the person arrested within that description, to the satisfaction of the mind of the Commissioner, by competent and independent proof, by the opportunities of inspection, examination and comparison, or he fails to make out his case.

On the other hand, the making the record conclusive, as to the description of the party who has escaped, can work no prejudice to the party arrested, for if he is not the party intended to be described it is of no consequence to him whether the description be strictly accurate or not; and if he is the party intended to be described, any misdescription must only increase the chances of his escape. Whatever others may say, or think, therefore, of this provision of the statute, I feel quite confident that there is no right-minded man in this country, who has been, or is likely to be called upon to discharge judicial duties under it, and who has not felt, or will not be likely to feel, inexpressible satisfaction and relief, that the law has been made in this particular what it is.

Let me suppose, for a moment, that the Statute had provided no such record, or that, being provided it were not resorted to, but witnesses are sent here to establish both the propositions which are involved in the issue. In the first place, the warrant must be granted; without any certainty that the first proposition, viz., that there was a certain slave, and that he has escaped, can be established. In the next place, the witnesses who are to establish this proposition are also to swear to the identity of the person arrested, and they testify to both propositions after the arrest had been made. It is manitest, that under this form of proceeding, the opportunities for perjury and misrepresentation, in all their infinite variety of shades, are vastly increased.

There is no check upon the witnesses, on the question of identity, because there is no standard to which that question can be brought. The witnesses may adapt their description of the party whom they say they knew as a slave, to the appearance of the party under arrest: they may do this wilfully or unconsciously; but whether it is done from corrupt design, or from the mere effect of eagerness and zeal, it is very easy to see, that in a nice or critical question of identity, the dangers that would arise from the blending of both the propositions into one, might be appalling. But the statute has provided a form of proceeding which keeps these propositions clearly and logically distinct, and makes the one, in some degree, a check upon the other: and as this is the most convenient form of proceeding for the claimant there is every reason to expect, as there certainly is to hope, that it will generally, if not universally, be resorted to.

In the case before me, the agent of the claimant has presented to me the transcript of a record, duly authenticated, made by and before the Hon. Henry R. Jackson, Judge of the Superior Court of the Eastern District of the State of Georgia, from which it appears that on or about the 22d day of February last, one Thomas Simms escaped from the State of Georgia, while owing service or labor to James Potter, the claimant. The record also contains a description of the said Thomas Simms which it is not necessary to recite. This branch of the inquiry is, therefore, fully made out, namely, that there was a certain person named Thomas Simms, who owed service to James Potter, in the State of Georgia, and that he escaped from that State on or about the 22d of February last.

It remains only to inquire, whether the claimant has sufficiently established the second proposition, namely, the identity of the prisoner at the bar with the person described in this record as having escaped from Georgia while owing service to James Potter. The evidence upon this point is of three kinds: 1. The evidence of the prisoner's appearance, which corresponds entirely to the description of him furnished by the record. 2. The evidence of witnesses who knew the prisoner in Savannah, as the slave of James Potter. 3. Facts sworn to by other witnesses, which tend to corrobate the previous testimony.

The witnesses who swear directly to the prisoner's identity are two: Edward Barnett and John B. Bacon. Barnett testifies that he has known the prisoner for the last 10 months, in Savannah, under the name of Thomas Simms; that he worked as a bricklayer on the same scaffolding with him, in August and September last; that he once asked the prisoner if he was a slave, and he replied that he was, and that he belonged to James Potter, a rice planter, who lives ten or twelve miles from Savannah, and that he had to pay his wages to Mr. Potter monthly, to the amount of about $10 per month. This witness also states that he knew the prisoner's mother and sister in Savannah.

The other witness, Bacon, is the agent of Mr. Potter, who came here to make the arrest. He testifies that he has known the prisoner, as the property of Mr. Potter for fifteen years; that he last saw him in Savannah on the 22d of February; that during the last ten years the prisoner has generally lived with his mother in Savannah, accounting to Mr. Potter for his wages; that he knows the prisoner did so account for his wages, from being present both when they were paid to Mr Potter by the mother and prisoner, and from repeatedly seeing his mother go after him for his wages; and that there is not a shadow of doubt with reference to his identity. He also testifies that he left the mother in Savannah a week ago last Saturday. He adds a fact which has no legal significance here, but which certainly disarms this case of any unpleasant features, that the last thing which the mother said to him, on the eve of his departure, was to beg him, whether her son was in a free State or a slave State, for God's sake to bring him back again.

Both of these witnesses are entirely unimpeached.—Both have appeared upon the stand to be respectable, candid and fair witnesses. They were very properly subjected to a searching cross-examination, to ascertain whether they have any contingent interest in the result of this proceeding, and it does not appear that either of them has. No attempt has been made in the argument to assail or shake their testimony, and I hold myself bound to yield to it unhesitating and implicit confidence.

The other evidence, which comes from the master and two of the crew of the brig M. & J. C. Gilmore, proved beyond the possibility of doubt that the prisoner at the bar came from Savannah, secreted on board the vessel, without the knowledge of the master or crew, in February last.

Ball, one of the crew, testified that he saw the prisoner in Savannah, five or six days before the brig sailed alongside: that the steward asked him if they wanted a cook and he replied no; that the next he saw of the prisoner was after the brig had arrived inside of Boston Light, when he came out of his hiding place.

Eldredge, the Captain, testifies that he saw him first after the vessel arrived in this port, and Ames, one of the crew, testifies to the same thing. Both of these witness is conversed with him separately, and both asked him the question whether he was a slave. To Ames he gave an account of himself utterly inconsistent with the account which he gave to Barnett, and with the other facts sworn to by Barnett and Bacon.

He told Ames that he was born in Florida—that he was not a slave: that he had a mother and sister in Boston and came on to see them; that his father bought him free when he was six months old; that he had been in Savannah but twelve or thirteen months; that he left his free papers there, and that he came away, because he had been reported to the authorities as a free negro, which made him liable to pay $100 fine. Captain Eldredge says that he asked him who his master was, that at first he said he was not exactly a slave, but that he could get nothing satisfactory out of him, and that he did not give the name of his master. He made no definite reply to the question why he came on board.

This is the whole of the evidence; and I must say, it leaves no room whatever for a doubt, that the prisoner before me is the identical person described in the record as having escaped from Georgia, while owing service to James Potter. If there is any truth whatever in the story which he told to Ames on board the vessel, one part of it may reasonably be expected to be as true as another.

One part of it is, that he was born in Florida and was made free when six months old. Another part of it is, that his mother and sister are in Boston, and that he came on to see them. Where are they? Why are they not produced? In this matter of such great importance are there none among the colored women of this city who can be brought forward to confirm him? None.—It is not to be imagined that the mother and sister are not produced here for any other reason than because they are not, and never were, any where but where the witnesses left them, in the city of Savannah, awaiting this young man's return.

Having thus stated the conclusions to which I have come upon all questions raised in this case, I have only to add that I can entertain no doubt whatever that it is my duty to grant to the claimant the certificate which he demands, and I do accordingly grant it.

I feel it to be a public duty, in closing this decision, to express here my deep obligations to the Marshal of the United States and to the Marshal of the city of Boston, and the various officers serving under them, for the efficiency and prudence with which they have discharged their respective duties connected with or occasioned by this hearing.

JUDGE WOODBURY'S DECISION ON THE HABEAS CORPUS.

Judge Woodbury said: It is necessary to say that this proceeding before me has reference only to one cause on which the prisoner is held. I have issued the writ of habeas corpus to examine a certain warrant of arrest for a criminal offence against the laws of the U.S. on which this man is held, and to see if that process is sufficient and legal to justify the United States Marshal in holding him, or whether the process is void. I am not here to consider anything relating to any other process on which the Marshal holds the prisoner, or to question it in any manner.

The warrant in this case not only recites that an offence has been committed, but it also says, "as is more fully set forth in said complaint." This warrant, then, is sufficient to justify the Marshal in holding the prisoner. In making his return on the writ of habeas corpus the Marshal brings in a copy of the complaint upon which the criminal warrant was issued. After the most critical investigation of this complaint, I see cause enough to give jurisdiction to the Commissioner, and that the warrant was duly issued. This complaint sets out an offence as fully as is necessary, and that, too, an offence the most aggravated, one of the most heinous kind, viz., assailing with a deadly weapon an officer of the U. States in the execution of the law. This warrant was issued for a most important purpose; it is for an offence which strikes at the base of social order and justice. I admit fully, and I insist that no process of law is to be used for purposes of oppression, and the officer is censurable if he be guilty of improper delay without cause, but on this account a process does not become void. Had the prisoner been held in custody by this warrant and deprived of his liberty, the Marshal would be liable to prosecution, but no neglect of the Marshal could make the warrant void. But he has not been held on this warrant alone—another charge has been pending against him.

It is true that I learned, as every body else did, from the papers that this man was on trial for another charge; but had no legal knowledge of the fact; and the reason which induced me to issue this writ of habeas corpus was to learn if the United States Marshal had other precepts in his possession on which this man was held. That evidence the returns of the Marshal has furnished. By return it appears that the delay in this matter has not caused Sims's imprisonment for a single hour.

There is a great consideration at the bottom of the cases quoted by the counsel for the prisoner, and it appears that in every case but one, which he has cited, the party was held by a single warrant, and there was no public excuse for not bringing him before a magistrate.

The Marshal was not compelled to examine the prisioner on a criminal process while the Commissioner was hearing another charge. Who ever heard, in any of our courts, either of the State or of the United States, of a criminal case breaking in on another cause? I surely have never heard of such a thing. In this matter the Attorney for the United States, who has charge of the criminal business of the general government, and who drew up this complaint, has been before me and said that he did not wish to interfere with the other case, and had not desired a hearing on the criminal complaint before the other was concluded.

When I look around me and see the great police force which the Marshal has been compelled to gather around him to prevent a rescue being attempted, I am more convinced that the Marshal felt that it would be dangerous to carry his prisoner from Commissioner to Commissioner to have a hearing on the criminal complaint.

The other motions which have been made to me are not included in the petition for the habeas corpus. I am now asked by the counsel for the prisoner to go into a hearing like a magistrate on the subject of the assault and battery, and this, too, at my chambers, for though I am in the Court room there is no Court in session, and I am only in the same position as if in my own room. I had suggested to prisoner's counsl that this petition had best be made before me in Court, but they refused and insisted that it should be heard by me in Chambers, and in the eye of the law I am now in Chambers. I am asked to go into it as if no magistrate can be found. Were I sitting in open Court where I had the power of the law around me and the protection of a sufficient force of police to protect me, I might do so; but I am here in my chambers, without an officer, defenceless, relying only on the honesty of those around me, and on the respect due to the law.

I cannot bail the prisoner. It would be out of place and unprecedented to grant bail before a return of the warrant had been made to the Commissioner who issued it, and to whom it is to be returned when the public peace permits. If then this warrant is not abandoned—(the Attorney for the United States and the complainant have a right to abandon it, if they please), and the Marshal does not make a return within a proper time, he will be censurable; but the warrant is that of the Government, and of Butman, the complainant, and they have a right to abandon it at their pleasure. If this man, then, should be held too long without proceeding on the warrant, they will be liable.

I now remand the prisoner into the custody of the Marshal, to be held as before the habeas corpus, not seeing sufficient cause to declare the warrant void.

OPINIONS OF THE DISTRICT ATTORNEY AND THE ATTORNEY GENERAL.

The following are the opinions of S. D. Parker, Esq., Attorney for the county of Suffolk, and of Hon. John H. Clifford, Attorney General of the Commonwealth, relative to the right of Sheriff Eveleth to take the body of Thomas Sims from the custody of United States Marshal Devens, on a writ of personal replevin:

SHERIFF'S OFFICE, BOSTON, April 8th, 1851.

SAMUEL D. PARKER, Esq., Commonwealth's Attorney for County of Suffolk:

Dear Sir,—Mr. Coburn, one of my deputies, has in his hands a writ of personal replevin against Charles Devens, Esq., Marshal of the United States, issued by the Court of Common Pleas for the county of Suffolk, for the delivery to the officer holding said writ, the body of Thomas Sims, who is now held in custody by said Devens by vertiue of a warrant issued by George T. Curtis, Esq., a Commissioner of the United States, against the said Sims, charged as a fugitive from labor, &c., and Mr. Coburn has, by virtue of said writ, demanded of said Devens the delivery and surrender of the body of said Sims, to him, said Coburn, according to the terms of said writ; and the said Devens refuses to deliver said Sims, according to, and in pursuance of, said demand.

Mr. Coburn also has in his hand a warrant issued by Richard Hildreth, Esq., Justice of the Peace for the county of Suffolk, against the said Thomas Sims, charging him with an assault, with intent to kill, one ——— Butman, a police officer. Mr. Coburn has demanded of the said Devens, the surrender to him, said Coburn, by virtue of said warrant, the body of said Sims, and the said Devens refuses to deliver said Sims in accordance with said demand, and for the reason that he holds said Sims as a fugitive from labor, as before stated, and also upon a warrant issued by Benjamin F. Hallett, Esq., a Commissioner of the United States, in which warrant said Sims is charged with an assault upon the before named Butman, then acting as an assistant to said Devens, in the service of legal process, and hindering and obstructing him, the said Butman, in the service of said process. I now call upon you, at the suggestion of His Excellency the Governor, (the Attorney General being absent), and ask you to advise me whether I have or have not a legal right to call to my aid the *posse comitatus*, and to use force and to take him by force from the custody of said Devens in the service of the writ and warrant referred to: and the said Devens further informed Mr. Coburn that he should resist, with all the force at his command, any attempt to take said Sims from his custody.

Very respectfully,
Your obedient servant,
JOSEPH EVELETH, Sheriff.

The warrant issued by Mr. Hildreth, before mentioned, is returnable to the Police Court.

TUESDAY EVENING, April 8, 1851.

To JOSEPH EVELETH, Esq., Sheriff to the County of Suffolk:

Sir,—I received this afternoon a request from His Excellency the Governor of the Commonwealth, to extend to you (in the absence of the Attorney General) such aid as was in my power, in relation to the interesting subject of your conversation with him; and I have received your subsequent letter to me of this date, stating the circumstances of your Deputy, Mr. Coburn, having a writ of personal replevin for service against Mr. Devens, the United States Marshal in this District, and also a criminal warrant against Thomas Sims, now in his custody, and the positive refusal of Mr. Devens to deliver up the said Sims to your Deputy, either on the writ or on the warrant, on the ground that he held said Sims in his custody by virtue of two processes or lawful warrants, one *criminal*, issued by Mr. Commissioner Hallett, and the other civil, issued by Mr. Commissioner Curtis, severally acting under different acts of the Congress of the United States, and that he, said Devens, would resist with all the force at his command any attempt to take said Sims from his custody; and your letter proceeds, to propose certain questions to me for advice as to your rights as Sheriff of the county of Suffolk.

Mr. Coburn has shown to me the writ and the warrant. The writ of personal replevin, wherein said Sims is plaintiff, purports to have been issued by virtue of the Acts of this Commonwealth of 1837, chap. 221, as it is in the precise form therein set forth. The first section of that act is as follows:—"If any person is imprisoned, restrained of his liberty, or held in duress *unless it be in the custody of some public officer of the law*, by force of a lawful warrant or other process, *civil* or *criminal*, issued by a Court of competent jurisdiction, he shall be entitled, as of right to the writ of personal replevin, and to be thereby *delivered* in the manner herein after provided." It will not be denied that the United States Marshal for the District of Massachusetts is a *public officer of the law*. You inform me that he holds said Sims by two lawful warrants or other process, one *civil* and the other *criminal*, issued by a Court of competent jurisdiction, as above mentioned, and that he refuses to deliver up said Sims to your Deputy, and that he will resist by force all attempts to rescue him out of his custody. Your letter then states to me that "at the suggestion of His Excellency the Governor, the Attorney General being absent, you call on me and ask me to advise you whether you have, or have not, a legal right to call on the *posse comitatus* and use force, and to take said Sims, the plaintiff in replevin, by force from the custody of said Devens." I think, and I advise you, under the facts stated, that the said Act of 1837, chap. 221, does not confer that right on you, and was not intended by the Legislature to confer that right, and my opinion is founded not only on the restrictive words following the word "unless" in the first section (tending to show that the writ under these facts was issued improvidently,) but also on the provisions of the tenth section, which directs a very different course of proceedings against the defendant in replevin, if he secretes or conveys away the plaintiff in replevin. Your Deputy should certify the facts fully and accurately on the return of the writ of personal replevin, and then, on motion, the Court is *to issue a capias against the defendant in replevin*, and proceed to deal with him as provided in the Act, and those several proceedings are to emanate *from the Court* upon and *after* the return of the replevin writ. I believe the Legislature intended to guard by very express language against collisions between the different public officers of the law; and it is now settled beyond controversy, that if a State law conflicts with an Act of Congress upon a subject matter upon which Congress is authorized by the Constitution of the United States to legislate, the State law is inoperative and null, just so far as it is repugnant to the Act of Congress.

It seems equally clear to me that the criminal warrant issued by Richard Hildreth, Esq., as a Justice of the Peace in this county, against said Sims for an alleged offence against the laws of this State, would not authorize you, under the circumstances before stated, to raise the *posse comitatus*, and rescue Sims by force out of the custody of the United States Marshal, he at the same time holding the said Sims by virtue of a legal warrant for an alleged crime against the laws of the United States, and defending his possession by all the force at his command. He has as much right under the laws of the land to arrest and hold Sims on a criminal warrant, coming from a legal and proper source, as you have and if he gets possession of the body first, he has the advantage of priority. Had you arrested Sims first on a criminal warrant, the Marshal could not lawfully rescue him from you by force, and priority of possession thus confers the better title. Brute force is needless, and generally unjustifiable, in civilized communities, especially between conservators of the peace, and conflicting personal or official rights may peaceably be settled by writs of habeas corpus and other judicial proceedings, without resort to bludgeons, bayonets, bullets or bloodshedding. Your Deputy, on the return of the criminal warrant, also should set out all the facts and pray for the advice of the Criminal Court as to further proceedings. It is further stated that the United States Marshal also holds Sims by virtue of a *civil* process. It must be admitted that this fact presents other considerations. I have not time to study all its bearings, as I am now pressed with absorbing official duties with the Grand Jury, and it does not seem to be necessary. If there be one satisfactory and conclusive reason why you should not raise the *posse comitatus* to take Sims by force and battle from the Marshal's custody, it would be but superogatory, labor to pursue needless inquiries for other reasons. Even supposing that it admitted that a State criminal process would always take precedence of a *civil* process, for a private interest authorized and given only by an Act of Congress, still the *mode* of proceeding deserves serious consideration. If a man be committed to jail for a debt, or other legal cause, and a Criminal Court were lawfully to issue a warrant to bring him before it for trial for a crime, the officer who had the warrant for service, probably would not, and certainly could not, lawfully raise the *posse comitatus* to rescue him from the jailer by force, but he might and probably would get a writ of habeas corpus from the Criminal Court, commanding the jailor to bring up the prisoner, which is a long established usage, and the jailer in such case would not be liable for an escape.

The recent fugitive slave law, in some of its provisions, is highly penal; it enlarges the powers and duties of United States Marshals, and places them under very heavy responsibilities and liabilities. A criminal State prosecution may suspend, but does not annihilate civil rights and remedies. But it seems to me unnecessary to discuss this subject any farther at present, or to be more explicit now on this point.

Hoping that these answers to your specific interrogatories will give right and duties on the present occasion,

I remain, respectfully,
Your obedient servant,
SAM'L D. PARKER,
Attorney of Commonwealth in the County of Suffolk.

SHERIFF'S OFFICE, BOSTON, April 9th, 1851.

Sir:—I yesterday handed to Samuel D. Parker, Esq., Commonwealth's Attorney of the county of Suffolk, a note from His Excellency Governor Boutwell, addressed to Mr. Parker at my request, (you then being in a distant county of the Commonwealth,) requesting Mr. Parker to advise me in relation to the service of a certain writ of personal replevin, and also of a certain criminal warrant then in the hands of one of my deputies. Mr. Parker's opinion in relation to the matters alluded to I now enclose to you as the highest law officer of the Commonwealth, and respectfully ask whether you concur in that opinion; and I also request you to give me such further advice as you may deem proper in relation to the subject.

Respectfully,
Your obedient servant,
JOSEPH EVELETH, Sheriff.

Hon. JOHN H. CLIFFORD, Attorney General of the Commonwealth of Massachusetts.

COMMONWEALTH OF MASSACHTSETTS.

ATTORNEY GENERAL'S OFFICE, April 9th, 1851.

To JOSEPH EVELETH, Esq., Sheriff of the County of Suffolk:

Sir:—I have received your note of this morning, and have examined the opinion of the Attorney of the Commonwealth for the county of Suffolk which accompanies it.

I feel no hesitation in saying, in reply to your inquiry, that I fully concur with Mr. Parker in the conclusion to which he has arrived upon the question submitted by you as it is stated in the opinion.

In a case in which it was the *clear legal right*, and the *corresponding official duty* of a civil officer of the Commonwealth to execute a precept by force, and for this purpose to summon, if need be, an armed *posse* to his aid, against an opposing force directed by an officer acting under the authority of the Federal Government but one course would be open to him, however lamentable and disastrous the consequences of such a resort to violence might be.

He would be held by his sworn obligations, and under the highest responsibilities to maintain the supremacy of the laws of the Commonwealth. But to justify a step fraught with consequences so momentous, he must compel obedience and submission, at any cost, and at all hazards, to the precept, in the execution of which he is thus perilling the lives of his fellow citizens.—This right, while the party is held by the United States Marshal, under a *criminal* process duly issued by a competent tribunal, I am quite clear you cannot maintain.

If, however, the party is discharged from that process your right, and your duty, to use every effort to effect the service of a warrant issued upon the complaint for an alleged violation of a law of this Commonwealth, are equally clear. It cannot be maintained, and would not, I think be pretended, that if the party was held in custody by the U. S. Marshal upon a merely civil process, charging him with being a fugitive from labor and service under the act of Congress of 1850; he could thereby be protected from a criminal process issued by competent authority and be removed out of the State, without answering to the charge of having committed an offence against the laws of the Commonwealth.—Whether, if your efforts to effect a peaceable service of the warrant under these circumstances, should be repelled by the Marshal, you should resort to force in the first instance, or make a return of the facts upon the warrant with the view to the issuing of a writ of *habeas corpus* by the Court to which the warrant is returnable is a question of grave importance; and the suggestions of Mr. Parker upon this point are entitled to great consideration. I am not prepared to say that you would not be justified in adopting either alternative—though to avoid collision by force between the authorities of the State and those of the United States, I should certainly, with my present views, advise a resort to the latter.

With respect to the writ of personal replevin, I adopt entirely, the views expressed in the opinion. It has been erroneously represented that I have recently avowed in public, the opinion, that under this writ an alleged fugitive slave may be taken out of the hands of the United States Marshal, while in his custody, under a warrant issued upon the act of Congress of 1850.—This is a misapprehension. Upon the occasion, and in the opinion referred to, I expressly excepted, as the statute of Massachusetts expressly excepts, the case of a person in the custody of an officer of the law, and confined it to the case of a person seized as a slave by one claiming to be his owner, or the agent of his owner, and attempting to carry him out of the State, as it has been held the owner may do without resorting to any legal process; in which case the law of Massachusetts, of 1837, secured to the party seized the writ of personal replevin as a matter of right. I state this simply to negative the inference, that I have at any time doubted the correctness of the views stated by Mr. Parker on this point, in which I have now expressed my concurrence.

I am, very respectfully,
Your ob't serv't,
JOHN H. CLIFFORD,
Attorney General.

National Anti-Slavery Standard.

Without Concealment....Without Compromise.

NEW YORK, THURSDAY, APRIL 24, 1851.

Seventeenth Anniversary

OF THE

AMERICAN ANTI-SLAVERY SOCIETY.

By the 8th article of the Constitution, it is provided that "the Annual Meeting of the Society shall be held each year at such time and place as the Executive Committee may direct." Hitherto, since the formation of the Society, the annual meeting has been uniformly held in the city of New York, and usually in the Broadway Tabernacle. So absolute, however, is the sway of the Slave Power in this city, and such the fear of mobocratic excesses, (stimulated by "THE UNION COMMITTEE" on the one hand, and the lawless RYNDERS and his crew on the other,) that no meeting-house or hall, in this great city, can be procured, either for the love of liberty or for gold, for the accommodation of the Society. Neither in the adjacent city of Brooklyn can any suitable building be obtained for this purpose.

Leaving these cities to the historical infamy which awaits them, the Executive Committee, in accordance with the urgent request of the friends of impartial liberty in Western New York, hereby give notice that the Seventeenth Annual Meeting of the American Anti-Slavery Society will be held at SYRACUSE, (N. Y.) on WEDNESDAY, May 7th, commencing at 10 o'clock, A. M.—at which time and place they earnestly invite a full attendance of its members and friends; believing that the crisis is such, in the conviction of every intelligent mind, both as to the preservation of our own liberties and the emancipation of the millions who are still clanking the fetters of Slavery, as to render needless any special appeal.

It is with great pleasure the Committee announce that their distinguished and eloquent coadjutor, GEO THOMPSON, M. P., has promised to give his attendance, and participate in the proceedings. The Rev. THEODORE PARKER, of Boston, has also signified his intention to be with us on the occasion, if practicable, as well as other able advocates of "LIBERTY, EQUALITY, FRATERNITY." A series of meetings, of the most interesting and stirring character, may be confidently expected. Much reliance is placed on the readiness and determination of the friends of the cause at the West to improve this opportunity to commune with their brethren from the East.

In behalf of the Executive Committee,
WM. LLOYD GARRISON, *President*.
WENDELL PHILLIPS, SYDNEY HOWARD GAY, *Secretaries*.

☞ Editors of papers are respectfully requested to notify their readers of the time and place of holding this Anniversary.

LAW-ABIDING BOSTON!

ORDER reigns in Boston! The LAW is triumphant! The disorganizers are defeated! The Compromises are vindicated! The Union is safe! There is joy and exceeding gladness in State Street, in the hope that it may be forgiven by the Patriarchal South for virtues that it never had. The pulpits of Winter Street and Charles Street resound with thanksgiving to Almighty God that He hath mercifully provided a victim such as His soul loveth, and hath graciously strengthened the hands of His ministering servants that they might fitly offer him up a living sacrifice. Though He prizeth not the blood of rams and of goats, yet the blood of a negro, guilty of stealing himself, as it will flow down his back at the whipping-post of Savannah or be dried up under the hopeless suns of Louisiana or Texas, is a sweet savor in His nostrils. This is the oblation which the piety and patriotism of Boston has brought before the Lord. Shall it be a vain oblation? Will He not answer it? Shall He not be avenged upon such a people as this? "It is a people of no understanding." Therefore He that made them will not have mercy upon them, and He that formed them will show them no favor." The lying priests that prophesy unto them say, "Ye shall have peace; and they say unto every one that walketh after the imagination of his own heart, no evil shall come upon you!" "Therefore, behold I, even I, saith the Lord, will utterly forget you; and I will forsake you, and the city that I gave to you and your fathers; and I will bring an everlasting reproach upon you, and a perpetual shame, which shall not be forgotten!"

This "everlasting reproach," and this "perpetual shame," Boston has brought upon herself. The same divine laws which vindicated themselves by fearful retributions upon rebellious nations of old, extend over us also. The penalty of violated law is as inevitable and inexorable as the doom of death that attends the suicidal hand that strikes the heart that warms it. It was by no reversal or suspension of eternal laws, but by their due course, that empires and kingdoms of the elder world, Jew and Gentile, Assyrian, Roman, Greek, perished from off the earth, leaving their memories only, like the skeletons of malefactors hung in chains, to affright and warn mankind. The ways of God to man in these latter days may be different in their manifestations, but can never be changed in their essence. The judgments of God may seem to sleep, but that they will sooner or later awake and fall upon the man or the men that defy them, is as certain as that He exists. The few millions of lilliputians that crawl over this inconsiderable portion of this obscure planet, confident in the strength of their arms of two cubits length, and in the number of their few hundred days, and in their wis lom which is foolishness, may think themselves able to dethrone Him that sitteth in the Heavens and holdeth the Universe in the hollow of his hand. But will He not laugh them to scorn? They may hide their selfish schemes of avarice and cruelty under what specious names they will, and think to set them above all that is called God. But will he not have them in derision?

It is not difficult to discern that Penalty, even here, "upon this bank and shoal of Time," is ever the companion rather than the swift follower of Crime. This Nation, when it first sprung, armed and full grown, into existence, agreed, for the sake of its own imagined safety and advantage, to consent that one sixth part of its inhabitants should be stripped of every natural and civil right. The People solemnly agreed to help to keep these their equal brethren in chains, one hour of which was worth a whole eternity of the political bondage which they had broken with their swords, and to rivet them anew, should any have the energy and virtue to escape from them. Has the Nation profited by the bargain? The slaveholders, indeed, have enjoyed the miserable privilege of plundering the poor, at the expense of the strength, the wealth and the morals of their people. But what have the Free States gained by it, except the boon of perpetual submission to the meanest and most despicable oligarchy that ever cursed the earth? From this infamous band have they been saddled with Presidents and with policies. Thence have come wars, commercial convulsions, impeded industry, shackled trade, blasted character, debased morality, and worse than heathenized Christianity. They have grown in numbers and material prosperity, to be sure; but it has been in spite of their preposterous alliance with their natural and necessary enemies, and not because of it. Incalculably greater would have been its growth and its strength had the young Hercules strangled the serpent that haunted his cradle, instead of fostering it in his bosom. From the beginning of our national existence, Slavery has been the obvious or the occult cause of all our national crimes and calamities. It has been unceasing in its demands. Its cry has been, Give, Give. And the Nation has never been weary of pouring its blood and its treasure into its bosom.

But all this devotion to its service could not satisfy our parasitic ruler as long as any Mordecai sat at its gate, denying its right to power or to existence. A new test, a fresher sign of homage, was imposed. Submission in the form the very most offensive to the simplest feelings of humanity and honor was demanded and accorded. Other cities had paid the base and cruel tribute. Last week, Boston followed in her turn. And at what cost? If you may believe her priests and lawyers and chief rulers, echoed by Fillmore and Webster, she is a "law-abiding" city. And so she is—a "*slavecatching law-abiding*" city! To abide by this law, to read her title clear to Southern trade and the smiles of power, she thought it a slight thing to trample under foot the laws and the prescriptions of Massachusetts! Massachusetts forbids all her executive officers to take any part in the arrest or detention of fugitive slaves. Mayor Bigelow and Marshal Tukey send their police officers to arrest the fugitive; the whole police force and night watch are detailed to guard him; the Court House is put in chains, and the constitutional and legal right of access to the Courts of Justice denied; and to enable them thus to set at defiance the laws of the State, an armed force is daily drilled in military exercises and evolutions. To preserve their allegiance to Slavery, the Mayor and Aldermen, and their tool, Marshal Tukey, commit treason against Massachusetts. Treason is defined by the laws of Massachusetts to consist, in one of its alternatives, of "levying war against the State." If the employment of an armed and drilled body of men for the avowed purpose of breaking the laws of the State (for Mr. Tukey acknowledged that he knew his acts to be illegal) be not "levying war" against her, we should like to know how the crime can be committed. It is the opinion of better lawyers than we are, that if there were any laws in Massachusetts, or any enforcement of them in Boston, those swift functionaries would be hanged by the neck until they were dead.

Then Massachusetts used to have the writ of Habeas Corpus. Her Supreme Bench adjudge that it disappears when it is likely to disturb the convenience of Slavery. She had a writ of personal replevin to secure the right of trial by jury to any of her inhabitants claimed as a slave. The Sheriff refuses to execute it. She has criminal process to arrest and detain persons accused of crime. A warrant against one charged with stabbing with intent to kill falls to the ground. The broad doctrine (just enough, perhaps, but strange to be avowed) is recognized that it is no crime for a fugitive slave to kill the person arresting him. The personality, the humanity, of a slave is less in Massachusetts than in Georgia; for *there* he would be tried as a man; *here* he is ignominiously dismissed as a beast. Is it no punishment to a Community that all the defences of personal liberty are thus thrown down? Will this contempt of law stop here? Will it be satisfied when it has unlawfully seized upon an innocent inhabitant and reduced him to Slavery? Will the rights of no white man suffer damage in the anarchy thus introduced and lauded as the perfection of human duty? Massachusetts, thank God, has not yet consented to the Fugitive Abomination. Had her laws been obeyed, poor Sims would never have been arrested, or would have been surrended only upon verdict of his peers. When Mayor Bigelow marched down State Street, between moonset and sunrise, last Saturday morning, every step he took, he set his foot on the laws of the State and trampled them in the dust. When Secretary Webster shall congratulate the assembled merchants of Boston in Faneuil Hall, next Friday, on their obedience to law, it will be their obedience to the Higher Law of Slavery. When they rejoice over their victory, obtained at no small expenditure of what they love better than honor, of money, let them remember that the victory is over the Constitution and Laws of Massachusetts. That it is for a Kidnapping as illegal as it was cowardly and cruel.—E. Q.

MR. WEBSTER AT HOME.

THE old maxim, that it is a poor rule that won't work both ways, has, for once, been notably obeyed, and in a case where it was least to be expected—in one between Mr. Webster and the Authorities of the City of Boston. We have not the least faith in Mr. Emerson's doctrine of compensation, as rascality, on the whole, so far as this world is concerned, usually has the best of it; but it is pleasant to see that sometimes the wicked are overtaken, and pleasanter still when they are entirely conscious of the punishment and its cause.

When the brig 'Acorn'—great oaks sometimes *do* grow from such little things, and it may be so in this—sailed from the wharf in Boston with the poor fugitive Sims standing on her deck, his last words being "this is Massachusetts liberty!" three cheers were called for Hon. Daniel Webster. The Secretary of State stands forth very distinctly before the people of his own State as the great representative of Slavery, and embodiment of the Slave Power. It is much to have this recognized so clearly, as the cheers alongside the 'Acorn' show it is, and as the municipal authorities of Boston have also shown in another way. That body recently refused to permit Faneuil Hall to be used as a place of meeting for an Anti-Fugitive-Slave-Law meeting. The refusal, of course, could be made a precedent only in case an application should be made for it for a pro-Fugitive-Slave-Law meeting, as for the discussion of every other subject but this the building would still be open to the citizens. Nobody, however, supposed that the authorities would apply the maxim that proves almost all the rules that the world is governed by to be poor ones, and that, should such a contingency arise, the city would welcome within the ample sides of its old cradle a demonstration in favor of the constitutional obligation to be slave-catchers. But everybody, it seems, was mistaken. The contingency has arisen; Faneuil Hall has been asked for for a pro-Fugitive-Slave-Law meeting, and refused by the City Government for that purpose. In other words, Mr. Webster's friends applied for the Hall to welcome him home, and the Board of Aldermen declined to grant the petition. They made the refusal the week before a precedent in the only case in which it could be construed as such, and faithfully applied the rule. Of course Mr. Webster's friends were expected to be very angry at this meting out to them with their own measure; and so, doubtless, they would have been at once had they not been too astonished. Surprise, however, was the only feeling which the Webster papers of Boston at first exhibited, but their great leader understood the thing better, and immediately called his retainers to a proper sense of his and their own constitutional infirmities in a letter. The great Jove thus shook his angry curls:

MARSHFIELD, April 15, 1851.

To Messrs. George C. Smith, Caleb Eddy, Asa Swallow, Uriel Crocker, and others.

GENTLEMEN: I duly received your letter of the 11th of this month, and had fully made up my mind to comply with your invitation; for, although I have entertained no purpose of discussing further, at present, the political questions which have so much agitated the country, yet I could not deny myself the pleasure of meeting you and your fellow-citizens, for mutual congratulation upon an escape, so far, from dangers which, one year ago, so seriously threatened the very existence of our national institutions; and upon the prospect of an early return, in all parts of the country, of feelings of good will and reciprocal regard.

But the newspapers of this afternoon inform me that the Board of Aldermen have refused your request for the use of Faneuil Hall. I care nothing for this personally, except that it deprives me of the gratification of seeing you; although if I supposed that the general voice of the people of Boston approved this proceeding, it would, I confess, cause me the deepest regret. The resolution denying you the Hall has been adopted, if I mistake not, by the same Board which has practically refused to join with the other branch of the City Government in offering the hospitalities of the city to President Fillmore.

Gentlemen, for nearly thirty years I have been in the service of the country, by the choice of the people of Boston, and the appointment of the Legislature of Massachusetts. My public conduct, through the whole of that long period, is not unknown, and I cheerfully leave it to the judgment of the country, now and hereafter.

Since the commencement of March of last year, I have done something, and hazarded much, to uphold the Constitution of the United States, and to maintain interests of the most vital importance to the citizens of Boston. And I shall do more, and hazard more, whenever, in my judgment, it becomes necessary that more be done, or more be hazarded. I shall perform, with unflinching perseverance, and to the end, MY DUTY TO MY WHOLE COUNTRY; nor do I, in the slightest degree, fear the result. Folly and fanaticism may have their hour. They may not only affect the minds of individuals, but they may also seize on public bodies of greater or less dignity.

But their reign is destined to be short, even where, for the moment, it seems most triumphant. We, of Massachusetts, are not doomed to a course of political conduct such as would reproach

Slavery. I would speak of all men charitably, for I know how easy it is to err, yea, to sin. I can look charitably on thieves prowling about in darkness; on rum sellers, whom poverty compels to crime—on harlots, who do the deed of shame that holy woman's soul abhors and revolts: I can pity the pirate, who scours the seas doing his fiendish crimes—he is tempted, made degenerate, by a gradual training in wickedness. The man born at the South, owning slaves, who goes to Africa, and sells adulterated rum in exchange for men, to sell at Cuba—I cannot understand the consciousness of such a man; yet I can admit that by birth and by breeding he has become so imbruted, he knows no better. Nay, even that he may perhaps justify his conduct to himself. I say I think his sin is not so dreadful as that of a Commissioner in Boston who sends a man into Slavery. A man commits a murder, inflamed by jealousy, goaded by desire of great gain, excited by fear, stung by malice, or poisoned by revenge, and 'tis a horrid thing. But to send a man into Slavery is worse than to murder him. I would rather be slain than enslaved. To do this, inflamed by no jealousy, goaded by no desire of great gain—only ten dollars!—excited by no fear, stung by no special malice, poisoned by no revenge—I cannot comprehend that in any man, not even in a hyena; beasts that rave for blood do not kill for killing's sake, but to feed their flesh. Forgive me, oh! ye wolves and hyenas, that I bring you into such company. I can only understand it in a *devil*.

When a man bred in Massachusetts, whose Constitution declares that "all men are born free and equal;" within sight of Faneuil Hall, with all its sacred memories; within two hours of Plymouth Rock; within a single hour of Concord and Lexington; in sight of Bunker Hill—when he will do such a deed, it seems to me that there is no life of crime long enough to prepare a man for such a pitch of depravity; I should think he must have been begotten in sin, and conceived in iniquity, and been born "with a dog's head on his shoulders," that the concentration of the villany of whole generations of scoundrels would hardly be enough to fit a man for a deed like this!

You know the story of Sims. He crept on board a Boston vessel at Savannah. Perhaps he had heard of Boston, nay, even of Faneuil Hall, of the old Cradle of Liberty, and thought this was a Christian town, at least human, and hoped here to enjoy the liberty of a man. When the ship arrived here, his first words were "Are we up there?" He was seized by a man who at the Court House boasted of his cruelty towards him, who held him by the hair, and kept him down, seeking to kidnap and carry him back into Slavery. He escaped!

But a few weeks pass by, the man-stealers are here; the Commissioner issues his warrant; the Marshal served it in the night. Last Thursday night—when odious beasts of prey that dare not face the light of Heaven, prowl through the woods—those ruffians of the law seized on their brother man. They lie to the bystanders and seize him on a false pretence. There is their victim—they hold him fast. Can you understand his feelings? Let us pass by that. His "trial"! Shall I speak of that? He has been five days on trial for more than life, and has not seen a judge! A jury? No. Only a Commissioner! Oh justice, oh Republican America! Is this the liberty of Massachusetts!

Where shall I find a parallel with men who will do such a deed, do it in Boston? I will open the graves and bring up most hideous tyrants from the dead! Come brood of monsters let me bring you from the deep damnation of the graves wherein your hated memories continue for all time their never-ending rot. Come birds of evil omen, come ravens, vultures, carrion crows; and see the spectacle; come see the meeting of congenial souls. I will disturb, disquiet, and bring up the greatest monsters of the human race! Tremble not, women; tremble not, children; tremble not, men; they are all dead! they cannot harm you now!

Come hither, Herod the wicked. Thou that didst seek after that young child's life, and destroyest the Innocents! Let me look on thy face! No; go! Thou wert a heathen! Go, lie with the innocents thou hast massacred. Thou art too good for this company!

Come, Nero! Thou awful Roman Emperor! Come up! No—thou wast drunk with power; schooled in Roman depravity. Thou hadst, besides, the example of thy fancied gods. Go, and wait another day. I will seek a worse man.

Come hither, St. Dominic! come, Torquemanda! fathers of the Inquisition! Merciless monsters, seek your equal here! No; pass by! you are no companions for such men as these! You were the servants of atheistic Popes, of cruel Kings. Go to, and get you gone. Another time I may have work for you—not now; lie there, and persevere to rot. You are not yet quite wicked enough for this comparison. Go, get ye gone, lest the sun turn back at the sight of ye.

Come up, thou heap of wickedness—George Jeffries! —thy hands deep purple with the blood of thy murdered fellow men! Ah, I know thee, awful and accursed shade! Two hundred years after thy death men hate thee still, and not without cause! Let me look upon thee! I know thy history. Pass and be still, while I tell it to these men.

Brothers, George Jeffries "began in the sedition line." "There was no act, however bad, that he would not resort to, to get on." "He was of bold aspect, and cared not for the countenance of any man." "He became the avowed and unblushing slave of the court, and the bitter persecutor and unappeasable enemy of the principles he had before supported." He "was universally insolent and overbearing." "As a judge, he did not consider the decencies of his post, nor did he so much as affect to be impartial, as became a Judge." He was a Commissioner in 1685. You know of those "bloody assizes" which he held, and how he sent to execution three hundred and twenty persons in a single circuit. "The whole country was strewed with the heads and limbs of his victims." Yet a man wrote that "a little more *hemp* might have been usefully employed." He was the worst of the English Judges. "There was no measure, however illegal, to the execution of which he did not devotedly and recklessly abandon himself." "During the Stuart reigns, England was cursed by a succession of ruffians in ermine, who, for the sake of court favor, arrested the principles of law, the precepts of religion, and the duties of humanity, but they were all greatly outstripped by Jeffries."

Such is his history.

Come, shade of a judicial butcher! Two hundred years thy name has been pilloried in the face of the world, and thy memory has been gibbetted before mankind! Let us see how thou wilt compare with those who kidnap men in Boston. Go, seek companionship with them! Go, claim thy kindred, if such they be! Go, tell them that the memory of the wicked shall rot—that there is a God; an Eternity, aye! and a Judgment, too! where the slave may appeal against him that made him a slave, to Him that made him a man. What! dost thou shudder! Thou turn back. These not thy kindred! Why dost thou turn pale—as when the crowd clutched at thy life, in London street? 'Tis true, George Jeffries, and these are not thy kin. Forgive me that I should send thee on such an errand, or bid thee seek companionship with such—with hunters of the slave! Thou wert not base enough! It was a great bribe that tempted thee! Again I say, pardon me for sending thee to keep company with such men! Thou only smote at men accused of crime; not at men accused only of their birth! Thou wouldst not send a man into bondage for two pounds! I will not rank thee with men who, in Boston, for ten dollars, would enslave a negro now!

Rest still, Herod! Be quiet, Nero! Sleep, St. Dominic, and sleep, Tarquemanda, in your fiery jail!—Sleep, Jeffries, beneath "the altar of the church" which seeks with Christian charity to hide your hated shame!

OUR CRAFT IS IN DANGER.

A late number of the Boston Journal says:

Non-Intercourse.—It is well known that Boston has suffered in its trade by the agitation of the Slavery question. Not only Southern but Western trade, to the amount as estimated by some, of over two millions of dollars, has been withdrawn from this city and given to New York, in consequence of the odor of fanaticism with which our city is impregnated. When our merchants complain of the injury which they suffer from this cause, they are called mercenary, and accused of sacrificing the finer feelings of humanity to the "almighty dollar."

These reproaches usually emanate from men who are not directly interested in trade; men whose pockets are not immediately touched by the agitation, and who can consequently, afford to sneer and to agitate. The professional man, the trader, and the farmer, who counsel the merchant to sacrifice his business to the good of the Anti-Slavery cause, are not called upon to exercise a similar spirit of self-sacrifice. But when the depression in trade and commerce re-acts upon other classes in the community—as re-act it most certainly will if aimless agitation is continued—they, too, will be as ready to inquire, with the Boston merchants, what good will result from a continuance of this agitation?

We believe that our mercantile community are as deeply imbued with the spirit of humanity as any other class of our citizens. They believe that the present and future good of the bondman would be consulted, should the Slavery question no longer be brought into the arena of partizan politics. They believe that the cause of emancipation will be better subserved by a continuance of the Union than by a dissolution, which will inevitably follow a sectional division. They believe in short, that nothing but unmitigated evil will result from the course pursued by the abolitionists. Believing all this can there be any wonder at their restiveness under a policy which threatens bankruptcy and general ruin?

Upon this statement The *Herald* of this city thus Comments;

These alarming results, which are only "the beginning of sorrows," have brought many merchants and others in Boston to their sober senses; and hence the alacrity with which they volunteered, on Saturday last to sustain law and order, and to escort Sims, the fugitive slave, out of the city. But the ball having been once set in motion, is likely to go ahead for some time to come, and we would not be surprised to find that, in the course of the ensuing summer, from twenty to thirty per cent of the capital of Boston has been withdrawn from that city and invested in New York. Hitherto the South has sent 300,000 bales of cotton annually to Boston. What if it stopped the supply? The planters and merchants of the Southern States have it in their power to crush the commerce of Boston, and make the grass grow upon its streets. The Southerners, as yet, have only proceeded to the length of withdrawing their trade, to a considerable amount, from it. The day may not be far distant when it shall be totally removed, and the historian will have to write "the decline and fall of the commerce of Boston." Should another attempt be made to retain a fugitive slave in that city, we shall probably hear of summary reprisals in the South by the seizure of every vessel from Boston in any port south of Mason and Dixon's line.

But it is not Boston alone that has suffered and is in danger of ruin. The manufacturing towns of Lowell, Lynn, New Bedford, and the other infected places of Massachusetts, are on the brink of destruction. We have heard of certain gentlemen from these places who are about to abolish them, and intend to establish their headquarters in Gotham. Already they are looking out, on the opposite shores in New Jersey and Williamsburgh, for sites for their manufactories. Go on, fanatics and blasphemers! ye are driving trade and commerce from your own doors to the city of New York.—We receive with open arms and a hearty welcome those fugitives who have the good sense to fly from the withering effects of *your* Slavery, before their ruin is complete—they are "the wise men of the East."

The complaint is no uncommon one, and the "hence" of the *Herald* is without doubt a legitimate deduction. That paper, the *Journal of Commerce*, the *Boston Courier*, the *Boston Journal* and others of a like character in all the Northern commercial towns and cities, are eager to please their Southern patrons, and attempt therefore, to allay the Anti-Slavery agitation by appeals to the sordid love of gain in their more immediate neighbors. They are wise in their generation, though not above what is written, for the more devout among these editors can give chapter and verse in justification of their own course; for if a thing is found in the Bible, it is held, now-a-days, quite reason enough why it should be repeated.

The editor of the *Boston Journal* is, if we are not mistaken, a very pious man, as it is not at all improbable that the 'family exercises' of the day suggested to him the article from which we quote the above paragraph. We can easily picture him in the domestic circle delivering, with solemn unction, and through his nose, in accordance with the discipline of his order, the following familiar passage, and, as he read on, reflected how wise and good a man was he in making the Book of Life his guide and guard, in the things that pertain to this world as well as those that concern the world to come:

"And at the same time there arose no small stir about that way.

"For a certain man, named Demetrius, a silversmith, which made silver shrines for Diana, brought no small gain unto the craftsmen;

"Whom he called together with the workmen of like occupation, and said, Sirs, ye know that by this craft we have our wealth:

"Moreover ye see and hear, that not alone at Ephesus, but almost throughout all Asia, this Paul hath persuaded and turned away much people, saying that they be no gods which are made with hands.

"So that not only this our craft is in danger to be set at nought; but also that the temple of the great goddess Diana should be despised, and her magnificence should be destroyed, whom all Asia, and the world worshippeth

"And when they heard these sayings, they were full of wrath, and cried out, saying, great is Diana of the Ephesians."

ANTI-SLAVERY CONVENTION IN CINCINNATI.

The Anti-Slavery Convention which has been advertised in our columns to meet at Cincinnati on the 14th instant, assembled in due season. The meeting was called to order by Dr. Brisbane, and was fully organized by the appointment of the following named persons as officers:

L. A. Heine, for President; Thomas Freeman and John Gottiff, Vice Presidents; Edward Mathews and Sarah P. Ernat, Secretaries.

No full report of the meeting has yet reached us, but the Telegraph brings a series of Resolutions as passed the first and second days. They are as follows:

Resolved, That Slavery as it exists in the United States is the greatest political and civil despotism on the face of the earth.

Resolved, That Slavery is antagonistic to the Christian religion, and its greatest enemy in this country.

Resolved, That slaveholding is practical atheism, and that pro-slavery ministers and church members are merely impostors under the cloak of religion.

Resolved, That the treatment recently received by our brother, Matthews, at the hands of Kentucky ruffians, under the connivance of a pro-slavery church, shows that there is and can be no safety in a Southern State to those who have courage enough to speak a word in favor of human freedom; and hence it becomes all who would not be slaves to lay down their lives, if need be, on the work of Emancipation.

Resolved, That in view of the present condition of the slaves, this is no time to sleep. It is time to wake and work and live anew in the cause. It is the time to do and suffer and, if need be, die. It is the time for every one who claims to be a friend of the slaves to lay his all upon the altar and throw himself into the thickest of the fight, and instead of being discouraged by untoward events of these times, lay himself out to do still more, neither giving or taking quarters until Slavery shall be not only circumscribed in its limits, nor defeated in its demand with regard to the Fugitive Slave Law, but actually and really abolished from the land.

Resolved, That the recent delivery of Sims to his claimant, is a demonstration of the utter and hopeless Subservients of the National Administration to the slave power, and the readiness of the ruling politicians of the country to place the whole North under the despotism of military rule to further the slave power.

Resolved, That whatever are or may be our different views and opinions about political parties, we are united in the declaration that any man who votes for the friends of the Fillmore kidnapping law ought to be regarded as a political enemy to God and humanity.

Resolved, That the North is to be held responsible for the existence of American Slavery—the people of the North are the real slaveholders. They have the power to strike the system instantly dead. It exists only by their diffidence, and therefore there can be no hope of peaceable extinctions in this country until the public sentiment of the North has been radically and fundamentally changed.

Resolved, That we consider the Fugitive Slave Law nothing in a treaty compared with the institution which it was passed to uphold. It is, therefore, no mark of the true Abolitionist merely to oppose and seek to repeal, or even to disobey that law, but all men are bound to strike at the root whence that springs, and not to rest contented until they have destroyed the life of the parent itself.

Several other resolutions were adopted, but the above includes all the leading points. The thanks of the Convention were returned to the persons who labored in behalf of the fugitive slave in Boston.

This afternoon the constitutionality of the law was discussed and the same subject is under consideration this evening. The Convention is expected to adjourn *sine die* to night.

Cassius M. Clay, we observe, was present at the Convention, and spoke against the Fugitive Slave Law.

OHO!

The *Boston Courier*, of a few days back, speaks thus contemptuously and indignantly of a certain day's session of the Massachusetts Legislature:

But the crowning impertenence of the whole, was a petition from a half-witted fellow for a change of name.

Petitions of this sort are usually referred to a committee without reading. But this one being excessively silly and impertinent, it was thought the best thing in the world to have it read for the edification of the House. The debate which arose upon this facetious topic will be found in our Legislative report. Whether the subjects introduced by the Free Soil member from Worcester, and the Free Soil member from West Brookfield, are to be regarded as among the "great measures of reform," respecting which we have had such golden promises, somebody else must decide—we cannot. The public, however, will have some doubt whether a repetition of the scene of yesterday will add greatly to the dignity of the House of Representatives. If it is desirable that every silly fellow in the Commonwealth should be encouraged to thrust his impertinence upon the Legislature, a few more petitions like the above, read before the House, would do the business effectually.

We were curious enough to turn to the report of that day's legislative action to see in what manner a "half-witted fellow" could so arouse the ire of his brother "Peeping Tom." It was plain enough when we read this record:

Mr. Curtis of West Brookfield, under leave, presented the following petition, and asked that it be read:

"*To the Honorable Senate and House of Representatives of Massachusetts, in General Court:*

"The petition of Daniel Webster Gilbert of West Brookfield, humbly showeth that the circumstance of having so illustrious a name has ever been a source of mortification to him, to which feeling is now added another detestation of the course in public life of that man, out of respect for whom the parents of your petitioner bestowed upon him the name by which he has heretofore been known. Your petitioner, therefore prayeth that he may be allowed to take the name of De Witt Gilbert, thereby retaining the initials by which he is generally known.

D. W. Gilbert.

"Boston, April 8th, 1851."

The following letter is from an intelligent colored man who has resided several years in Jamaica, and who is entitled, therefore, to a respectful hearing.—Our confidence, however, notwithstanding the gloomy picture drawn by our correspondent, remains undiminished, that the British West Indies is the best home for the colored man who chooses to leave this country, and that its advantages are very great over Canada for the unfortunate fugitives who are compelled to ask protection from English Royalists against American Democrats. We are, however, quite open to conviction, and should be glad to publish any facts which he, or his friends, may have to offer. That he is quite sincere, and has good reason, personally, for his statement, as he writes us that he is in the very depths of poverty, and would be glad of any assistance to enable him to return with his family to the United States, there can be no doubt. Nevertheless, were we a colored man we would go anywhere, this side of Hell and Liberia, to escape from the United States.

Kingston, Jamaica, March 18th, 1851.

Dear Sir: I have promised myself, for a long time, to write to you, but having nothing new to communicate I have delayed till now that an important subject is about being brought forward—the emigration of the colored people of America here. I now deem it a proper time to speak out, least many may run away with the idea, that in coming here their situations will be bettered. This is a wrong notion which they would, to their sorrow, too soon find out. The colored people will expect similar customs to prevail here as in America, and their pecuniary situation to be better. Such notions would soon vanish if they should be so credulous as to believe interested parties ignorant of America.—In this island, the higher the man the more does he grind down the poor, and, in fact, the poor man is thought nothing of—no feelings exercised toward him. They are reduced so much (as low as 9d. per day—18 3-4cts.) *that it is a wonder that a larger portion do not die for want of a sufficient quantity of food than really do!* And the poor are not respected here: nor indeed any one who does the least manual labor or takes into his hands the tools of his profession. Such is Jamaica; for the man who may have robbed his employer, (in England, here or elsewhere,) the widow and the orphan is respected as a gentleman, while the poor, whatever his calling, is looked upon with contempt and scorn. Such is Jamaica, as different in every respect from America as right is from wrong—the worst in every respect exists here. Is it any wonder, sir, that emigrants from all parts have been sadly disappointed here, and have early sought to get away, or died broken hearted amidst the many disastrous difficulties which they meet with? The realities are too true, and I would not if it were not for the sake of humanity mention these things; but the truth must not be hid when the lives of our valuable countrymen are at stake.

I am, dear sir, respectfully,

Henry W. Davison.

We have received, and publish with great satisfaction, the following Preamble and Resolution which were unanimously adopted at a meeting of the Bristol and Clifton Ladies' Anti-Slavery Society, (England,) held March 27th, 1851:

"The Members of this Society, having contemplated with pain and deep regret, the course of the Clergy in the United States, which (with a few honorable exceptions,) affords more or less support to the system of Slavery; and having been especially grieved by the low views of Christian duty, recently proclaimed by Ministers in the Free States, in regard to the Fugitive Slave Bill,—

"*Resolved*, That such Ministers of this City as may be about to attend Annual Conferences in London, during the month of May, be respectfully, but earnestly, solicited to deliberate with their brethren, on the expediency of adopting some line of conduct to prevent their pulpits being occupied by any Clergymen from the United States, visiting England at the approaching Exhibition, who have not borne testimony to the unrighteous character of the Fugitive Slave Bill: and further, to take into consideration the desirableness of urging those religious societies in America, with whom they sympathize in doctrine and in discipline, not to depute any ministers to this country upon religious or philanthropic missions, who have not publicly manifested their disapprobation of this law, which Judge Jay declares to be as palpable a violation of the Constitution, as it certainly is of the principles of justice, the rights of humanity, and the religion of Jesus Christ."

(*Signed in behalf of the Committee,*)

F. N. Tribe, Secretary.

The Owner of Sims.—The *Trenton State Gazette* says that the owner of Sims is one Mr. James Potter, of Princeton, New Jersey. If that be the case, his capture, perhaps, will not be considered satisfactory, as it is Southern slaves who are to be caught. It is only to accommodate a neighbor to return a Jerseyman his "nigger."

Advantages of Birth.—A son of R. B Rhett of South Carolina has been removed by his father from Harvard University, lest his pro-slavery principles be undermined by a longer residence in Massachusetts. A Boston paper says "the College Faculty have voted as a special favor that a degree shall be granted to the young man. Northern boys could not get a degree, without remaining till Fall Term, or offering some good reason for their departure." No wonder there are people who wish they had been born in a slave State.

The Price of Iron and Coal.—Pennsylvania has repealed her Act of 1839 relating to the Capture of Fugitive Slaves. Henceforth her jails are open as slaveholding barracoons, and her officers are permitted to engage with impunity in the exciting sport of hunting men. It is also confidently anticipated that the next Congress will grant a Tariff on Coal and Iron.

☞ An Anti-Slavery Convention is to be held at Indianapolis on the 28th of May next, "to determine upon the proper and true course of Christian labor and action in the present crisis of their struggle and conflict with slaveholders and pro-slavery aggression." It is particularly designated as a *Christian* Anti-Slavery Convention, though we are not aware that Anti-Slavery is ever anything else than Christian. We remember, however, that in a tour made through Indiana some years ago to lecture upon the subject of Slavery we found about the same degree of civilization to exist there as obtains among the Bushmen of Southern Africa, or in the Southern States of this Union. A Christian Convention of any sort would be of service among her people.

Invasion of Cuba.—Another attempt is undoubtedly about to be made to conquer Cuba and bring it under the slaveholding dominion of the United States. President Fillmore will doubtless issue his Proclamation, warning all good citizens to observe the faith of Treaties, so soon as authentic tidings is received from the expedition that it has been unsuccessful. There is a great difference between the escape of a fugitive slave in a Northern city and an invasion of the Territory of a friendly power by Southern slaveholders, which none but the acute intellects of great Statesmen can understand. That circumstances alter cases is all that common minds can be supposed to comprehend; and when it is proclaimed that the supremacy of the Constitution and laws is to be maintained at all hazards it must be remembered that much depends upon what kind of law it is that is in danger of infringement. The brig 'Acorn,' however, sailing from Boston with a fugitive slave on board which it took all the civil power of Massachusets and of the Federal Government within that State to catch, and the sailing at the same time of a steamer from a Southern port filled with American citizens on a hostile expedition against a neighbosing State, unchecked by Government, is one of those facts which the Muse of History will take a note of for future reference.

☞ The bells of various churches in Waltham, Newton, Plymouth, and other places in Massachusetts, were tolled when the news was received of the surrender of Sims. In one town, the bell of a Unitarian church was clogged, very appropriately, with *Cotton*, so that no sound could be heard from it.

Communications.

REPORT ON TEMPERANCE,

Presented to the Convention of the Colored Citizens of New York.

In taking into consideration the subject of intemperance, the committee feel, that it will be unnecessary to go into a very long detail, as the subject has, from time to time, been fairly discussed. But there are a few points to which the Committee feel disposed to confine themselves. Thousands of dollars are expended annually, in this city, by us in what is known as fashionable intemperance; therefore, we deem it our duty to say, that the tipler is but the father to the inebriate, inasmuch as moderate drinking leads almost invariably to drunkenness. We are impressed with the conviction that if we make known the crushing influence that moderate drinking has on the community, it will be all that we have to do under the present circumstances. It will be utterly impossible for us to gain that position in society which we aspire to, and at the same time indulge in any degree in the use of intoxicating beverages. We feel this to be one of the great causes why we have been, and are yet, dragging out an almost miserable existence. In viewing intemperance in some of its various aspects in which it presents itself, we cannot but observe the continued succession of disastrous consequences with which it is attended; the tipler too, if he has perceptiveness at all clear, he cannot but perceive one connected chain from fashionable tipling or moderate drinking to confirmed drunkenness. Yet tell him that he is following in the path that will ultimately destroy him, and how you incur his wrath. You will then see he hates, yea loaths a drunkard. A casual observer can see daily how persons are continually falling from one degree of drunkenness to another, imperceptibly to themselves. We do not pretend to say but that persons of a superior intellect, a highly gifted mind, and of a profound education, may not withstand for a great length of time the besetting influence of intemperance; but eventually they too must become the victims of this certain destruction. It leads to the commission of crime. Some of the most enormous upon the pages of the calender, after having been traced to the cause have been found to be nought else but the use of alcoholic beverages. What will not a man resort to to satisfy the cravings of a vitiated appetite? Theft will not in his mind appear wrong; for he will think he must have that which his passion most craves. He will resort to gaming, even that lowest of all gambling, policy gambling, to feed his appetite. A man's appetite for drink is never satisfied. Unlike most any other appetite, it will lead on even to desperation. It has been the source of destruction in the very highest positions of society of men who from a pure sense of their manhood, would scout the idea of becoming less than man. Then why may we not fear and tremble lest we should stumble and fall into the very gulf that has swallowed so many. In most cases the money won at the gaming table is expended in the bar room. The signs of the times admonish us that a reform is needed among us. It is necessary, therefore, that we examine ourselves on this matter unbiased. What can a man gain by being intemperate? there's nothing to gain, it is all loss from the fashionable man to the confirmed inebriate. Who are the greatest sufferers of this vice? Not the men, for they alone reap the pleasures of their nightly debauch (if pleasures there be.) But the wives and mothers are the greatest sufferers. Night after night has an affectionate wife sat up until the night dwindled into morn, expecting to receive her dissipated husband, and then he has not appeared. And under many circumstances when he has made his appearance she has received nothing but abuse in return for her anxiety. The mother, too, has had her heart wrung at the dissipation of a son in whom she has centered all her hopes. The committee cannot forbear at this time, to direct the attention of the ladies to this matter. We call on them to aid in destroying this fell monster. They are all powerful in this enterprise. We exhort! entreat them, by all they hold dear to them in this life and all in the life to come, to wield their mighty influence, which, when properly directed, knows no superior power on earth. And in further consideration of the matter that has been submitted to them, the Committee entreat those persons engaged in the sale of intoxicating drinks to abandon their soul-destroying traffic. Make no more widows and orphans, manufacture no more paupers, and seek some honorable means of subsistence. Our Creator intended us to be men, then let us not thwart the intention of our Creator by debasing ourselves below the level of our common humanity. Let us be united on this grand topic, as it will tend to our elevation. If we only weigh the importance of this matter as we should, we will take hold of it as we should. The Committee consider that they have dwelt fully on this matter, and would here drop it, were it not that there is another class to whom they feel it their duty to appeal, that is those who by their position can govern the people; that is the clergy, whom we would approach with due deference. We entreat of them to assist in destroying this monster. We beg of them to consider the matter apart from other vices, and go on in their glorious work of reforming the world. We know of instances where the work could not move until we had their assistance.

And, in conclusion, we would entreat of all persons to do what they can to destroy this monster evil. All, every one who has a spark of humanity in his bosom, to kindle it to a flame that will consume the last vestage of intemperance. Then when we shall have done what we can in ridding the land of a monster, we can look back on a life well spent, in trying to benefit our fellow man.

The above Report and following resolutions were adopted:—

Resolved, That this convention recommend the revival of old Temperance Societies, and the formation of new ones.

Resolved, That all new Temperance Societies be made auxiliary to the older ones.

David A. Morse.
Peter W. Ray.

Miscellaneous News.

—At a late disunion festival in South Carolina, one of the toasts drank was this, "A rope to every Northern Abolitionist."

—Woodson, the Fugitive, Liberated—We are pleased to learn from Mr. Sproul that the freedom of Woodson, the fugitive slave, who was taken down to Louisville a short time ago, was yesterday purchased from Capt. Hazlet, of the steamer Washington, who had been duly authorized to dispose of him by the mistress, Miss Rhoda B. Byers, of Kentucky. The price paid was six hundred dollars, which was raised by contributions here and in Beaver, where Woodson's wife and family reside.—[*Pittsburgh [Pa.] News, March 27.*

—The Boston Fugitive Slave Convention.—Among the Delegates to the recent meeting at the Tremont Temple, was Isaac F. Williams of Danvers, one of the Bunker Hill Boys, who took a part in the action of June 7, 1775. It was enough to do one good to see his countenance lit up with animation, as he listened to the impassioned eloquence poured forth on that occasion.

—Significant.—We annex the caption of the list of articles which comprise a portion of the issue of the New York Anti-Slavery Standard of the 3d inst. a rank Abolition sheet. "Mr. Poinsett on Nullification;" "Bishop Capers celebrated letter;" "John Bull and the Palmetto State;" "South Carolina Methodist Conference;" "George Thompson the friend of freedom."—*Charleston [S. C.] Mercury.*

The letters of Mr. Poinsett and Bishop Capers endorsed by Abolitionists! God save the State.—*Winsboro Register.*

—Fugitive Slaves in Vincennes, Ind.—"The citizens of our town were quite interested on Friday and Saturday last, on account of the arrest of four negroes, supposed to be fugitive slaves, together with a white man who gave his name as John Miller, and who was supposed to have abducted them. The negroes were taken before Esquire Robinson, who committed them to jail to await the necessary process, which was forthcoming on Saturday; and when it was ascertained that they were the property of one Mr. Kirwan, of or near Florence, Alabama, they were very promptly ordered to be returned to his service, and the necessary certificate granted to enable Mr. Kirwan's agent to take them to Alabama. The abductor was proceeded against, as a fugitive from justice, and ordered into custody of the officer in pursuit, to be by him delivered to the authorities of Alabama, there to answer for the violation of her laws.—*Vincennes Gazette.*

—Meeting at Lynn.—According to announcement, the citizens of the noble, liberty-loving city of Lynn held a meeting on Saturday evening, at Lyceum Hall, to express their indignation at the recent base and cowardly exhibition of the slave power in Boston. At an early hour the Hall was densely crowded, and upon the announcement that the Mayor could not preside, in consequence of the indisposition of some members of his family, Mr. J. N Buffum was appointed chairman. Rev. Mr. Shackford made an address prefatory to the introduction of a series of appropriate resolutions, which were adopted by acclamation. Addresses were also made by Rev. Mr. Colver and others, and after a glorious meeting, the citizens retired, more firmly resolved than ever before to resist the further encroachments of Slavery, even at the expense of losing the custom of *Boston* and the *South!*—*Liberator.*

—A Philadelphia correspondent of the *Tribune* says (April 12):

There is now open in this city, an exhition of the colored mechanics, on the plan of the Franklin Institute, and for the first effort exceeds the most sanguine expectations of all. On visiting the place I was much surprised to see the beautiful specimens of work exhibited there, which would be a credit to any mechanic. The portrait paintings of Videll of your city, and Wilson of this, are very creditable. The marine paintings by Bowser are excellent. Dutere, an undertaker, has some fine work in his line. Dr. Rock has some of the most splendid specimens of artificial teeth that we ever beheld, and his recommendations as to character and science we have never seen equalled. There is invention by Roberts for replacing cars on the track when thrown off, which is quite ingenious. There are many creditable things, such as sofas, spring bedsteads, fancy tables, bonnets, embroidery, stoves, stereotype plates stone ware, saddles, &c. For the whole we think the exhibition reflects credit on the colored people.

—United States Court—Judge McLean—The Fugitive Slave Law—Cuban Expeditions—Judge McLean, in his charge delivered this morning, says the Columbus (O.) Journal of April 6, to the Grand Jury, among other remarks, congratulated the Jury that no violation or infraction of the law relating to the reclamation of fugitives from service had taken place within this State. He remarked that this fact spoke well for the character of the citizens of Ohio. He trusted no forcible interference with the requirements or operation of that law would at any time be exhibited within this State. *If the law were objectionable, let it be remedied by the ballot-box.* Forcible resistance should not be countenanced. It should be promptly discouraged and frowned down. Such a mode of redress has no sanction, and can have no sanction, from the institutions or morals of the country. It tends alike to the subversion of all order and the destruction of all the securities of our social existence. The Judge also called the attention of the Jury to the law of 1818, denouncing the preparation of military expeditions against friendly governments.

He remarked that from late reports it seems that the Captain General of Cuba apprehends such an expedition against the Government of that Island. He admonished the Jury that it was their duty to present to the Court any person or persons, if any there were, who had been or were engaged within the State in the getting up or setting on foot any such expedition, and this duty he hoped would be faithfully and fearlessly discharged, as he had no doubt it would.

—An old colored man, residing in Salisbury township (Pa.), was carried off on last Saturday night, by a party of unknown persons in the direction of the Maryland line. The old man and his wife made a desperate resistance, but were overpowered—the woman knocked down and the man captured. He had resided in the neighborhood for a year or two past, and was generally supposed a fugitive from Slavery. This is the second case of forcible abduction in that neighborhood within a few weeks.

—Flagrant Outrage.—Kidnapping.—The following account of an outrage perpetrated in Chester County, last week, is from a respectable source. A more daring and flagitious invasion of the laws of the land as well as of humanity, has never occurred.

West Caln, Sandy Hill, March 20.

There has been a case of kidnapping in our vicinity, which seems too cruel to be untold. The house of a colored man, named Thomas Hall, was broken into on Saturday night last, by three persons, who immediately fell to beating said Hall and wife with clubs, until Hall was beaten down and secured. He was hurried away into a wagon without any other than his night clothes on, and instantly hurried away—the wife fled to the nearest house, a distance of about 100 yards and aroused its inmates.

The cries of the captive were heard by the neighbors as they passed, but their rapid flight prevented persons from seeing what was going on. Hall's house was situated within hallooing distance of some dozen of houses; but business was done so expeditiously that he was out of the neighborhood before the inhabitants were apprised of it. Hall was an honest, civil, sober man, and much respected by his neighbors. His wife was just recovering from a spell of sickness. There were found in the house, the morning after his capture, a six-barreled revolver, a silk handkerchief and an advertisement, describing two negroes who ran away from Maryland in 1849. [Hall has been in our vicinity for four years past.]

Also, three other advertisements, carelessly twisted up, which was a notice of a bear bait that took place in Emmittsburg, Md., in December last. The above described articles are supposed to be the contents of one of the marauder's pocket, which creates a suspicion that some of the party were from Emmittsburgh, Md. One of the party seems to have been well acquainted in our vicinity, as he first called upon Hall to get up and go to Phineas Ashe's, a near neighbor, stating that one of his children was sick and they wanted him there. Being interrogated by Hall as to who he was, he gave the name of a man living with Mr. Ashe.—*Gazette and Courier, Mauch Chunk, Pa.*

—Imprisonment of Free Negro Seaman.—A correspondence has taken place between Capt. Potter of the steamship Georgia and Recorder Genois of New Orleans, on the subject of enforcing the law of Louisiana, requiring the imprisonment of Free Negroes arriving on vessels entering that port, until the departure of the vessel. Capt. Porter claims exemption on the ground that the Georgia is a national vessel, under officers of the Navy, and subject to the orders of the Secretary of the Navy. Mr. Genois, under the advice of the District Attorney, does not recognize the claim to exemption, but, on account of the Georgia being ready for sea, consents to defer the issue of the warrants; nevertheless he notifies Capt. Porter that upon the return of the Georgia to that port he must execute the law.

The following is an extract from the written opinion of Mr. M. M. Reynolds, District Attorney in New Orleans:

I do not consider the steamship Georgia as coming under the class of vessels belonging to Government, but look upon her as an ordinary merchant vessel; not having the acts of Congress on the subject before me, I am unable to go into particulars.

The law of the State makes no exception, and is imperative with regard to the prohibition of free negroes, and until that law is declared illegal or unconstitutional by the highest tribunal to which we can resort, the Courts of inferior jurisprudence are bound to observe and enforce it. The question before us is of vast importance, and involves the doctrine how far States may legislate for their own protection—in fact the doctrine of State rights is involved. Our State has a right to legislate for her protection, and if in law no exception is made regarding Government employees, they are as amenable to the law as any one else. If Government were to employ free negroes on mail boats, might not free negroes be employed to carry mails throughout the State? Might not Government also, if the doctrine be admitted, employ vast numbers of free negroes on naval vessels, and thus flood the whole Southern country with free negroes? Whether even Government vessels have a right to land in our ports with free negroes seems to me a very doubtful question.

DEATHS.

Rogers.—In this city, March 30, J. Smyth Rogers, for many years Professor of Chemistry and Mineralogy in Trinity College, Hartford, aged 57 years.

Beck.—On Wednesday, April 9th, after a protracted illness, in the 57th year of his age, John Brookhead Beck, M. D., Professor of Materia Medica and Medical Jurisprudence, in the College of Physicians and Surgeons, of the State of New York.

Hungerford.—At Watertown, Jefferson Co., Hon. Orville Hungerford, in the 61st year of his age.

Wadsworth.—At Washington, D. C., Commodore Alexander S. Wadsworth, U. S. N.

Holloway.—At Mount Pleasant, Prince George's Co., Md., Hon. Ransom Holloway, Representative in the last Congress, from the 8th District of New York.

Daggett.—In New Haven, Hon. David Daggett, late Chief Justice of Connecticut,—extensively known during more than half a century as a distinguished counsellor and advocate—as an eminent civilian in the Senate of the nation, and as a jurist.

RECEIPTS FOR THE STANDARD

From March 1st to April 1st 1851.

584	Thomas Howard, Washington, N. Y	2 00
540	Hamilton Hill, Oberlin, O.	5 00
588	W. H. Weiss, Worcester, Mass.	2 00
500	A. Sanger, Danvers, Mass.	3 12
560	Geo. E. Russell, Charlton Depot, Mass.	3 40
——	Rev. E. Buckingham, Trenton, N. Y.	2 00
610	A. D. Wright, Deer River, N. Y.	2 00
599	A. Firth, Clappville, Mass.	5 00
597	M. Underwood, Weymouth, O.	2 00
573	John A. Andrews, Boston, N. Y.	6 00
557	S. A. Green, West Winfield, N. Y.	4 00
589	John Miller, Utica, N. Y.	1 00
589	Benj. Alsop, Lavanna, N. Y.	1 00
616	Lewis Slocum, North Easton, N. Y.	2 00
562	W. W. Pollard, Columbus, O.	3 60
563	A. W. Ostrander, Mellenville, N. Y.	2 25
604	Thomas Dunbar, Dedham, Mass.	2 00
590	J. W. Cook, Vassalboro, Me.	1 00

MISCELLANY.

From Dickens' 'Household Words.'

The Story of Giovanni Belzoni.

ONE day in the beginning of the year 1803, Mr. Salt, whose name has since become so celebrated amongst the discoverers of Egyptian antiquities, observed before one of the public rooms of Edinburgh, a great crowd assembled. For almost every one there exists a mysterious attraction in the sight of a number of people, and Mr. Salt, no wiser than his neighbors, pushed his way, when the doors were opened, into the room. There, on a sort of stage, he saw a tall and powerfully-built young man, performing various gymnastic exercises, and feats of strength. While this Hercules in tinsel was lifting enormous weights, and jumping from a table over the heads of twelve men, a pretty, delicate-looking young woman, was arranging some hydraulic machines and musical glasses, with which the entertainment was to terminate. As the price of admission was nominal, she occasionally also handed round a small wooden bowl, in order to collect gratuities from the spectators.

Very few of those who were enjoying the exhibition gave anything; and when the young woman approached her husband, and showed him the few coins she had received, he hastened to terminate his performance. Mr. Salt pitied the poor fellow, and as the young woman was passing said to her,

"You forgot to present your bowl for my contribution—here it is."

He slipped a silver coin into her hand. Both she and her husband thanked him warmly; the latter in broken English, and with an Italian accent.

Mr. Salt, who had but just returned from Rome, replied in Italian; and, perceiving in the stranger's manner of expressing himself a degeee of refinement not to be expected from a mountebank, asked him whence he came, and what was his history.

"Six months ago, sir," replied the man, "if any one had told me that I should be reduced to earn my bread by exhibiting my strength in public, I should have felt greatly inclined to knock him down. I came to England for the purpose of making known some hydraulic machines of my invention; but the spirit of routine, and the love of ignorance, closed every avenue against me. Previously, before losing all my hopes of success, I married this young girl. Had I been alone in the world, I verily believe that the bitter destruction of my expectations would have rendered me careless of supporting life; but how could I leave *her* in misery?"

"But why not try to display your really extraordinary strength and dexterity under more favorable circumstances? Why do you not offer your services to some theatrical manager?"

"Hungry people, sir, cannot wait. I did not think of resorting to this method of earning a piece of bread, until I saw my wife ready to perish for the want of it."

The kind Mr. Salt not only relieved his immediate wants, but offered to recommend him and his wife to the manager of Astley's Circus, in London. Gratefully and eagerly did the wanderers accept this offer; and while, in company with their benefactor, who paid for their places on the coach, they journeyed towards town, the man related his history. Born at Padua, the son of a poor barber, and one of fourteen children, Giovanni Battista Belzoni felt from his earliest youth a longing desire to visit foreign lands. This "truant disposition" was fostered, if not caused, by the stories of maritime adventures told him by an old sailor; who was strongly suspected of having, during many years, practised the profession of a pirate.

The reading or rather devouring of a translated copy of "Robinson Crusoe" (and it is a most remarkable circumstance that the book which has for its avowed purpose the disheartening of restless adventurers, should have made wanderers and voyagers innumerable) gave form and fixedness to his purpose of rambling; and, in company with his youngest brother, the boy set out one fine morning, without any intention but the somewhat vague one of "travelling to seek their fortune." The young fugitives walked several miles, without knowing, in the least, whither they were going, when a pedlar, who was riding slowly by in a cart, accosted them, and asked if they were going to Ferrara. Belzoni, although he never heard the name before, immediately answered in the affirmative. The good-natured merchant, pleased with the countenances, and pitying the tired looks of the children, not only gave them a place in his vehicle, but shared with them his luncheon of bread, cheese and fruit. That night they occupied part of their companion's lodging; but next day, as his business required him to stop at the village where they slept, the two boys took leave of him, and pursued their journey. Their next adventure was not so fortunate. Meeting an empty return carriage, they asked the *vetturino* to give them a ride; and he consenting, they joyfully got in. Arrived at Ferrara, the *vetturino* asked them for money. Giovanni, astonished, replied that they had none; and the unfeeling man stripped the poor children of their upper garments, leaving them half naked and penniless in the streets of an unknown city. Giovanni's undaunted spirit would have led him still to persevere in the wild-goose chase which had lured him from his home; but his brother Antonio wept, and complained so loudly, that he was fain to console the child by consenting to retrace their steps to Padua. That night, clasped in each other's arms, they slept beneath a doorway, and the next morning set out for their native city, begging their food on the journey.

The severe chastisement which Giovanni, as the instigator of this escapade, received on his return, did not in anywise cure his love of rambling. He submitted, however, to learn his father's trade, and at the age of eighteen, armed with shaving and hair-cutting implements, he set out for Rome, and there exercised the occupation of a barber with success. After some time, he became deeply attached to a girl who, after encouraging his addresses, deserted him and married a wealthy rival. This disappointment preyed so deeply on Belzoni, that, renouncing at the same time love and the razor, the world and the brazen bowl of suds, he entered a convent, and became a Capuchin. The leisure of the cloister was employed by him in the study of hydraulics; and he was busy in constructing an Artesian well within the monastic precincts when the French army under Napoleon took possession of Rome. The monks of every order were expelled and dispersed; and our poor Capuchin, obliged to cut his own beard, purchased once more the implements of his despised calling, and travelled into Holland, the head-quarters of hydraulics, which were still his passion. The Dutch did not encourage him, and he came to this country. Here he met his future wife, and consoled himself for his past misfortunes by marrying one who proved, through weal and woe, a fond and faithful partner. The crude hydraulic inventions of a wandering Italian were as little heeded here as on the Continent: and we have already seen the expedient to which Belzoni was obliged to have recourse when Mr. Salt met him in Edinburgh.

Having reached London, the kind antiquary introduced his *proteges* to the manager of Astley's. The practised eye of the renowned equestrian immediately appreciated at their value the beauty and athletic vigor of the Paduan Goliath; and he engaged both him and his wife at a liberal salary. He caused a piece entitled "The twelve labors of Hercules" to be arranged expressly for his new performers; and Mr. Salt had soon afterwards the satisfaction of seeing Giovanni Belzoni appear on the stage, carrying twelve men on his arms and shoulders, while Madame, in the costume of Cupid, stood at the top, as the apex of a pyramid, and waved a tiny crimson flag.

After some time, Mr. Salt went to Egypt as consul, and there became acquainted with Signor Dronetti. The two friends, equally enthusiastic on the subject of Egyptian antiquities, set to work to prosecute researches, with an ardor of rivalship which approached somewhat too nearly to jealousy. Each aspired to undertake the boldest expeditions, and to attempt the most hazardous excavations. But the great object of their ambition was an enormous bust of Memnon, in rose-colored granite, which lay half buried in the sand on the left bank of the Nile.

Signor Dronetti had failed in all his attempts to raise it, nor was Mr. Salt a whit more successful. One day, while the latter was thinking what a pity it was that such a precious monument should be left to perish by decay, a stranger asked to speak with him. Mr. Salt desired him to be admitted; and immediately, despite his visitor's oriental garbs and long beard, he recognized the Hercules of Astley's.

"What has brought you to Egypt?" asked the astonished consul.

"You shall hear, sir," replied the Italian. "After having completed my engagement in London, I set out for Lisbon, where I was employed by the manager of the theatre of San Carlo to perform the part of Samson, in a Scriptural piece which had been arranged expressly for me. From thence I went to Madrid, where I appeared with applause in the theatre Della Puerta del Sol. After having collected a tolerable sum of money, I resolved to come here. My first object is to induce the Pasha to adopt an hydraulic machine for raising the waters of the Nile."

Mr. Salt then explained his wishes respecting the antiquities; but Belzoni could not, he said, enter upon that till he had carried out his scheme of waterworks.

He was accompanied, he said in continuation, by Mrs. Belzoni, and by an Irish lad of the name of James Curtain; and had reached Alexandria just as the plague was beginning to disappear from that city, as it always does on the approach of St. John's day, when, as almost everybody knows, "out of respect for the saint," it entirely ceases. The state of the country was still very alarming, yet Mr. Belzoni and his little party ventured to land, and performed quarantine in the French quarter; where, though really very unwell, they were wise enough to disguise their situation; "for the plague is so dreadful a scourge," he observed, "and operates so powerfully on human fears and human prejudices, that, during its prevalence, if a man be ill, he must be ill of the plague, and if he die, he must have died of the plague."

Belzoni went straight to Cairo, where he was well received by Mr. Baghos, interpreter to Mahommed Ali, to whom Mr. Salt recommended him. Mr. Baghos immediately prepared to introduce him to the pasha, that he might come to some arrangement respecting the hydraulic machine, which he proposed to construct for watering the gardens of the seraglio. As they were proceeding towards the palace, through one of the principal streets of Cairo, a fanatical Mussulman struck Mr. Belzoni so fiercely on the leg with his staff, that it tore away a large piece of flesh. The blow was severe, and the discharge of blood copious, and he was obliged to be conveyed home, where he remained under cure thirty days before he could support himself on the wounded leg. When able to leave the house, he was presented to the Pasha, who received him very civilly; but on being told of the misfortune which had happened to him, contented himself with coolly observing, "that such accidents could not be avoided where there were troops."

An arrangement was immediately concluded for erecting a machine which was to raise as much water with one ox as the ordinary ones do with four. Mr. Belzoni soon found, however, that he had many prejudices to encounter, and many obstacles to overcome, on the part of those who were employed in the construction of the work, as well as of those who owned the cattle engaged in drawing water for the Pasha's gardens. The fate of a machine which had been sent from England taught him to augur no no good for that which he had undertaken to construct. Though of the most costly description, and every way equal to perform what it was calculated to do, it had failed to answer the unreasonable expectations of the Turks—because "the quantity of water raised by it was not sufficient to inundate the whole country in an hour!—which was their measure of the power of an English water-wheel."

When that of Belzoni was completed, the Pasha proceeded to the gardens of Soubra to witness its effect. The machine was set to work, and, although constructed of bad materials, and of unskilful workmanship, its powers were greater than had been contracted for; yet the Arabs, from interested motives, declared against it. The Pasha, however, though evidently disappointed, admitted that it was equal to four of the ordinary kind, and, consequently, accorded with the agreement. Unluckily, he took it into his head to have the oxen removed, and, "by way of frolic," to see what effect could be produced by putting fifteen men into the wheel. The Irish lad got in with them; but no sooner had the wheel begun to turn than the Arabs jumped out, leaving the lad alone in it. The wheel, relieved from its load, flew back with such velocity that poor Curtain was flung out, and in the fall broke one of his thighs, and, being entangled in the machinery, would, in all probability, have lost his life had not Belzoni applied his prodigious strength to the wheel, and stopped it. The accident, however, was fatal to the project and to the future hopes of the projecter.

At that time the insolence of the Turkish officers of the Pashalic was at its height, and the very sight of a "dog of a Christian" raised the ire of the more bigoted followers of the Prophet. While at Soubra, which is close to Cairo, Belzoni had a narrow escape from assassination. He relates the adventure in his work on Egypt:

"Some particular business calling me to Cario, I was on my ass in one of the narrow streets, where I met a loaded camel. The space that remained between the camel and the wall was so little, that I could scarcely pass; and at that moment I was met by a Binbashi, a subaltern officer, at the head of his men. For the instant I was the only obstacle that prevented his proceeding on the road; and I could neither retreat nor turn round, to give him room to pass.—Seeing it was a Frank who stopped his way, he gave me a violent blow on my stomach. Not being accustomed to put up with such salutations, I returned the compliment with my whip across his naked shoulders. Instantly he took a pistol out of his belt; I jumped off my ass; he retired about two yards, pulled the trigger, fired at my head, singed the hair near my right ear, and killed one of his own soldiers, who, by this time, had come behind me.—Finding that he had missed his aim, he took a second pistol; but his soldiers assailed and disarmed him. A great noise arose in the street, and, as it happened to be close to the seraglio in the Ebaskie, some of the guards ran up; but on seeing what the matter was, they interfered and stopped the Binbashi. I thought my company was not wanted, so I mounted my charger, and rode off. I went to Mr. Baghos, and told him what had happened. We repaired immediately to the citadel, saw the Pasha, and related the circumstances to him. He was much concerned, and wished to know where the soldier was, but observed, that it was too late that evening to have him taken up. However, he was apprehended the next day and I never heard or knew anything more about him. Such a lesson on the subject was not lost upon me; and I took good care, in future, not to give the least opportunity of the kind to men of that description, who can murder an European with as much indifference as they would kill an insect."

Ruined by the loss of all his savings, which he had spent in the construction of his water machines, Belzoni once more applied to Mr. Salt, and undertook the furtherance of his scheme, to convey to England the bust of Memnon. So eager was he, that the same day, the Italian set out for the ruins of Thebes, and hired a hundred natives, whom he made clear away the sand which half-covered the stone colossus. With a large staff in his hand, Belonzi commanded his army of Mussulmen, directed their labors, astonished them with displays of his physical strength, learned to speak their language with marvellous facility, and speedily came to be regarded by them as a superior being, endowed with magical power.

One day, however, his money failed; and at the same time the rising of the Nile destroyed, in two hours, the work of three months. The *fellahs* rebelled; one of them rushed towards Belonzi, intending to strike him with his dagger. The Italian coolly waited his approach, disarmed him; and then, seizing him by the feet, lifted him as though he had been a hazel wand, and began to inflict vigorous blows on the other insurgents with this novel and extemporary weapon of defence. The lesson was not thrown away; very speedily the *fellahs* returned to their duty; and after eighteen days' incessant labor, Memnon trembled at his base, and was moved towards the bank of the Nile.

The embarkation of this enormous statue presented difficulties almost as great as those which attended the disinterment and land transport. Nevertheless, the intelligence and perseverance of Belzoni surmounted every obstacle: and he brought his wondrous conquest to London, where its arrival produced a sensation similar to that caused more recently in Paris by the sight of the Obelisk of Luxor. Loaded with praise, and also with more substantial gifts, Belzoni now became an important personage, returned to Egypt and to his friend Mr. Salt. The latter proposed to him to go up the Nile, and attempt the removal of the sand-hills which covered the principal portion of the magnificent temple of Ebsamboul. Belzoni readily consented, set out for lower Nubia, ventured boldly amongst the savage tribes who wander through the sandy desert; returning to Thebes, he was rewarded, not only by the success of his special mission, but also by discovering the temple of Luxor.

In all his undertakings, however enterprising, Belzoni was aided and cheered by the presence of his wife. The expedition to Nubia was, however, thought too hazardous for her to undertake. But in the absence of her husband she was not idle; she dug up the statue of Jupiter Ammon, with the ram's head on his knee, which is now in the British Museum.

The temple of Luxor had been so completely, and for so long a period, buried in the sand, that even its existence remained unsuspected. It had been dedicated to Isis by the Queen of Rameses the Great: and the descriptions which travellers gave of it, resemble those of the palaces in the "Arabian Nights." Four colossal figures, sixty-one feet in height, are seated in front. Eight others, forty-eight in height, and standing up, support the roof of the principal inner hall, in which gigantic bas-reliefs represent the whole history of Rameses. Sixteen other halls, scarcely smaller than the first, display, in all their primative splendor, many gorgeous paintings, and the mysterious forms of myriads of statues.

After this discovery, Belzoni took up his temporary abode in the valley of *Biban-el Mouloch* (Tombs of the Kings). He had already remarked there amongst the rocks, a fissure of a peculiar form, and which was evidently the work of man. He caused this opening to be enlarged, and soon discovered the entrance to a long corridor, whose walls were covered with sculptures and hieroglyphical paintings. A deep fosse and a wall barred the farther end of the cave; but he broke a passage through, and found a second vault in which stood an alabastar sarcophagus, covered with hieoglyphics. He took possession of this, and sent it safely to Europe. His own account of these difficulties is extremely interesting:

"Of some of these tombs many persons could not withstand the suffocating air, which often causes fainting. A vast quantity of dust rises, so fine, that it enters the throat and nostrils, and chokes the nose and mouth to such a degree, that it requires great power of lungs to resist it and the strong effluvia of the mummies. This is not all; the entry or passage where the bodies are, is roughly cut in the rocks, and the falling of the sand from the upper part of the ceiling of the passage causes it to be nearly filled up. In some places there is not more than the vacancy of foot left, which you must contrive to pass through in a creeping posture, like a snail, on pointed and keen stones, that cut like glass. After getting through these passages, some of them two or three hundred yards long, you generally find a more commodious place, perhaps high enough to sit. But what a place of rest! surrounded by bodies, by heaps of mummies in all directions; which, previous to my being accustomed to the sight, impressed me with horror. The blackness of the walls, the faint light given by the candles or torches for want of air, the different objects that surrounded me, seeming to converse with each other, and the Arabs with the candles or torches in their hands, naked and covered with dust, themselves resembling living mummies, absolutely formed a scene that cannot be described. In such a situation I found myself several times, and often returned exhausted and fainting, till as last I became inured to it, and in different to what I suffered, except from the dust, which never failed to choke my throat and nose; and though, fortunately, I am destitue of the sense of smelling, I could taste that the mummies were rather unpleasant to swallow.—After the exertion of entering into such a place, through a passage of fifty, a hundred, three hundred, or prehaps six hundred yards, nearly overcome, I sought a resting-place, found one, and contrived to sit; but when my weight bore on the body of an Egyptian, it crushed it like a band-box. I naturally had recourse to my hands to sustain my weight, but they found no better support; so that I sunk altogether among the broken mummies, with a crash of bones, rags, and wooden cases, which raised such a dust as kept me motionless for a quarter of an hour, waiting till it subsided again. I could not remove from the place, however, without increasing it, and every step I crushed a mummy in some part or other. Once I was conducted from such a place to another resembling it, through a passage of about twenty feet in length, and no wider than a body could be forced through. It was choked with mummies, and I could not pass without putting my face in contact with that of some decayed Egyptian; but, as the passage inclined downwards, my own weight helped me on; however, I could not avoid being covered with bones, legs, arms, and heads rolling from above. Thus I proceeded from one cave to another, all full of mummies piled up in various ways—some standing, some lying, and some on their heads."

Afterwards, Belzoni travelled to the shores of the Red Sea, inspected the ruins of Berenice; then returned to Cario, and directed excavations to be made at the bases of the great pyramids of Ghizeh; penetrated into that of Cephren—which had hitherto been inaccessible to Europeans—and discovered within it the sacred chamber where répose the hallowed bones of the bull Apis. The valley of Faioum, the Lake Mœris the ruins of Arsinöe, the sands of Lybia, all yielded up their secrets to his dauntless spirit of research. He visited the oasis of El-Cassar, and the Fountain of the Sun; strangled in his arms two treacherous guides, who tried to assasinate him; and then left Egypt, and returned to Padua with his wife.

The son of the humble barber had now become a rich and celebrated personage. A triumphal entry was prepared for him; and the municipal authorities of his native city met him at the gate and presented him with an address. Manfredini was commissioned to engrave a medal which should commemorate the history of the illustrious traveller. England, however, soon claimed him; and on his arrival in London, he was received with the same honors as in his own country. Then he published an account of his travels, under the following title: "Narrative of the Operations and recent Discoveries in the Pyramids, Temples, Tombs, and Cities of Egypt and Nubia, &c."

In 1822, Belzoni returned to Africa, with the intention of penetrating to Timbuctoo. Passing in the following year from the Bight of Benin towards Houssa, he was attacked with disentary; was carried back to Gato, and thence put on board an English vessel lying off the coast. There, with much firmness and resignation, he prepared to meet his end. He entrusted the captain with a large amethyst to be given to his wife, and also with a letter which he wrote to his faithful companion through good and evil days. Soon afterwards, he breathed his last. They buried him at Gato, at the foot of a large tree, and engraved on his tomb the following epitaph in English:—

"*Here lies Belzoni, who died at this place, on his way to Timbuctoo, December 3rd*, 1823."

Belzoni was but forty-five years old when he died. A statue of him was erected at Padua on the 4th of July 1827. Very recently the government of Great Britain bestowed on his widow the tardy solace of a small pension.

Giovanni Belzoni, the once starving mountebank, became one of the most illustrious men in Europe!—an encouraging example to all those who have not only sound heads to project, but stout hearts to execute.

From The Literary World.

William Penn.*

"A GREAT commonwealth beyond the Atlantic," says Mr. Macaulay in his History of England, "regards William Penn with a reverence similar to that which the Athenians felt for Thesus and the Romans for Quirinus;" and the lively historian further pronounces him "rather a mythical than a historical person." Under this presumption of an improbable character, arfully resting the good fame and general representation of Penn upon—for modern times—an untenable basis, Mr. Macaulay, in reducing his assumed demigod to a man, plunges him below his fair position in humanity. The treatment of Penn, whenever his name occurs in the "History of England," is with some depreciating comment; he is carelessly and flippantly spoken of; and even deliberately charged with corruption and hypocrisy. He is represented as discreditably connected with two of the most obnoxious transactions of the miserable policy of James: in the one case as a Quaker abetting Popery, in the unjust seizure of Magdalen College; in the other, lending his personal aid to the Maids of Honor of the Queen in extorting a money ransom from the parents of the girls—to be seized and imprisoned for the occasion—who had become participants in the rebellion of Monmouth, by working banners and joining in the procession at Taunton, under the direction of their schoolmistress. Nothing can be more disenchanting, judged by the sentiment of our own day, to the repute of a Thesus than an act like the latter. It was a job which Jeffrey might, with keeping, have handed over to one of the dirtiest officials of his court. Macaulay says it was tendered to Penn and accepted by him. It is not a little unfortunate for Mr. Macaulay, who copies Macintosh in this imputation, that the offer to Penn at all is supported only by an apparent historical blunder, and the acceptance by no authority whatever. The charge rests upon a letter of Sunderland, the Secretary of State, addressed to a Mr. Penne, acquainting him that the King had made over the fines on the maids of Taunton to the Maids of Honor, and that the latter had chosen Mr. Penne and Mr. Walden to make the necessary composition or collection of the penalties. It appears from the thorough sifting of Mr. Dixon and a previous writer on this question, Mr. Forster, whose pamphlet of last year presents a very strong view of the case against Macaulay, and to whom the credit of first presenting the anti-Macaulay evidence must be given—that there is not only every presumption against Penn—from character, position, time, place, etc.—having been addressed in this matter, but that he is not at all the man to whom the letter was sent. The name in this most essential point is not the same, and it appears there *was* about the court a low pardon broker, one George Penne, who, from his known history, was a likely applicant for the work. The hands into which it did fall afterwards, show the additional impossibility of a man of Penn's station having anything to do with it whatever, least of all consummating it. Mr. Macaulay omits any mention of the actual jobbers in the affair, whose names are given by Oldmixon, but states that "Penn accepted the commission." This last would appear to be a purely gratuitous statement, unsupported by any authority at all. He gives none; and though it would hane been an event of importance in Penn's life—which lies open enough to the public in the correspondence, books, traditions, &c., of one of the most public men of his times—nothing can be found by Mr. Dixion, in his diligent search, giving the least color to the unfriendly supposition; yet it colors some of Mr. Macaulay's most insinuating and brilliant depreciation.

The assumed details of the Magdalen College will as little bear examination. Penn seems to have acted in the matter as a peace-maker; nor, in promoting concessions to the Catholics could he, a Quaker, be considered a traitor to the Church of England. He was entitled to the opinion that it was desirable the national institutions of education should be open to all religious denominations.

Other charges and inferences fall to the ground on simple examination.

It is to be regretted that Mr. Macaulay should have robbed the argument of his history for English freedom of the honorable example of William Penn, the friend of Algernon Sidney. Good and great men are not so abundant in the period that Penn should be so hastily and flippantly thrown to the dogs.

Mr. Bancroft, in his History of the United States, has taken a profounder and more philosophical view of the character of Penn, in the face of Macintosh and in anticipation of the attack of Macaulay, and the rigid scrutiny of facts which that attack has involved. "Every charge," says he, "of hypocrisy, of selfishness, of vanity, of dissimlation, of credulous confidence; every form of reproach, *from virulent abuse to cold apology*; every ill name, from Tory and Jesuit to blasphemer and infidel, has been used against Penn; but the candor of his character always triumphed over calumny."

The position of Penn was a curious one. He represented two phases of life as remarkably distinguished as the court of Charles II., gallant and splendid, into which he was born, and the bare virgin forests of Pennsylvania with which he was to be so nobly connected. He was to be both a Quaker and a courtier. A man of distinguished birth, of high fortune and position, and the friend and associate in prisons and conventicles of George Fox. That he reconciled the two characters, without compromise of what was true in either, is the real greatness of the man. To have played the part of one of them in excess would have been easy enough. To have been a religious fanatic or a State hack would have been readily attainable, and more comprehensible to the public. Penn was neither. While he was ready to suffer fine, imprisonment, and ignominy, to protest against vice in high places, to withstand every inducement of profligate policy, he never forgot his birth as a gentleman and the duties of his position. It is in the first years of a man's life that his character is formed and his responsibilities marked out. His father was one of the most distinguished of English admirals, a worldly man whose design was to build a splendid worldly fortune for his son. The worldliness Penn sifted out of his fate with invincible purity and strength of will: the opportunities for honorable influence he preserved. The story of that struggle for conscience sake is known to all—of his alienation from home, his domiciliation in prisons—till time and thought had taught his father, the stout old Admiral, the stubble basis of his own views, the enduring foundation of the principles of his Quaker son. The son succeeded to the friendship of the Duke of York, and the intercourse between the two is honorable to both. When his own family fell from the exiled King, Penn, to his honor, remained faithful to that old friendship which he had so often turned to the opening of prisons and the relief of oppressed consciences. Twelve hundred Friends had been released by one of James' acts from prison. Had Penn no business at court? The friendship of James smoothed the way of the Proprietor of Pennsylvania in the management of his colony. Would it have been better for America that Penn had never visited Whitehall?

We are indebted to Mr. Dixon for the best account of the Life of William Penn. Its narrative is full, industrious, and exact. Original authorities are given for every statement, and, particularly for the early part of his life, and that relating to his mother's family. Much information is given from MSS. The passages from the autobiography of Penn's mother-in-law, Lady Springett, possess unusual interest. She was a woman of the Puritan school of Mrs. Hutchinson. The story of her daughter, the beloved of Ellwood, the wife of William Penn, belongs to the romance of domestic life. There is nothing more powerful in the painful interest of its kind than Lady Springett's account of the death of her husband, the Puritan soldier of Edgehill, Newbury, and Arundel Castle (chapter vi, pages 107–110). The rise of Penn's Quaker views, the history of his journeyings, of his imprisonments, his vindication of the trial by jury, the *natural* growth of his social and court influence, his constitution making for America (in which the part borne by Algernon Sidney is prominently brought forward), his visits to his colony picturesquely narrated, his disappointments and broken fortunes—these are all presented with literary skill and commendable modesty of execution by Mr. Dixon. In style, there is more of moderation, less writing for immediate effect than in the author's Life of Howard. The facts are arranged clearly, diligently supported by references, and left to tell their own story. He makes no summing up of the character of Penn, but indicates abundantly the rich material for this purpose to the philosophical essayist.

*William Penn, an Historical Biography, from New Sources; with an Extra Chapter on the "Macaulay Charges." By William Hopworth Dixon. Phila: Blanchard & Lea. 1851.

William Penn and Thomas B. Macaulay: being Brief Observations on the Charges made in Mr. Macaulay's History of England, against the Character of William Penn. By W. E. Foster. Revised for the American edition by the author. Phila.: Henry Longstreth. 1851.

DRAFT OF THE DECLARATION OF INDEPENDENCE.

[In his autobiography, John Adams gives the following account of the circumstances which led to the selection of Jefferson to draw the Declaration of Independence.]

The Committee of Independence were Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. Mr. Jefferson had been now about a year a member of Congress, but had attended his duty in the house a very small part of the time, and when there had never spoken in public. During the whole time I sat with him in Congress I never heard him utter three sentences together.

It will naturally be inquired how it happened that he was appointed on a committee of such importance. There were more reasons than one. Mr. Jefferson had the reputation of a masterly pen; he had been chosen a delegate in Virginia, in consequence of a very handsome public paper which he had written for the House of Burgesses, which had given him the character of a fine writer. Another reason was, that Mr. Richard Henry Lee was not beloved by the most of his colleagues from Virginia, and Mr. Jefferson was set up to rival and supplant him. This could be done only by the pen, for Mr. Jefferson could stand no competition with him, or any one else, in elocution and public debate.

Here I will interrupt the narration for a moment, to observe, that, from all I have read of the history of Greece and Rome, England and France, and all I have observed at home and abroad, eloquence in public assemblies is not the surest road to fame or preferment, at least, unless it be used with caution, very rarely, and with great reserve. The examples of Washington, Franklin, and, Jefferson are enough to show that silence and reserve in public, are more efficacious than argumentation or oratory. A public speaker who inserts himself, or is urged by others, into the conduct of affairs, by daily exertions to justify his measures, and answer the objections of opponents, makes himself too familiar with the public, and unavoidably makes himself enemies.

Few persons can bear to be outdone in reasoning, or declamation, or wit, or sarcasm, or repartee, or satire, and all these things are very apt to grow out of public debate. In this way, in a course of years, a nation becomes full of a man's enemies, or at least, of such as have been galled in some controversy, and take a secret pleasure in assisting to humble and mortify him. So much for this digression. We will now return to our memoirs.

The committee had several meetings, in which were proposed the articles of which the declaration was to consist, and minutes made of them. The committee then appointed Mr. Jefferson and me to draw them up in form, and clothe them in a proper dress. The sub-committee met, and considered the minutes, making such observations on them as then occurred, when Mr. Jefferson desired me to take them to my lodging, and make the draft. This I declined, and gave several reasons for declining.

1. That he was a Virginian, and I a Massachusettensian. 2. That he was a southern man, and I a northern one. 3. That I had been so obnoxious for my early and constant zeal in promoting the measure that every draft of mine would undergo a more severe scrutiny and criticism in Congress, than one of his composition. 4. And lastly, and that would be reason enough, if there were no other, I had a great opinion of the elegance of his pen, and none at all of my own. I therefore insisted that no hesitation should be made on his part. He accordingly took the minutes, and in a day or two produced to me his draft. Whether I made or suggested any correction, I remember not. The report was made to the committee of five, by them examined, but whether altered or corrected in anything, I cannot recollect.—But in substance, at least, it was reported to Congress, where, after a severe criticism, and striking out several of the most oratorical paragraphs, it was adopted on the fourth of July, 1776, and published to the world.

From Mr. Dixon's new Historical Biography.

PENNSBURY;

THE HOME OF WILLIAM PENN ON THE DELAWARE.

THE estate of Pennsbury was an ancient Indian royalty. It had been chosen as the abode of chieftains for the peculiar character of its situation; affluents from the great river bending no less than three several times round it, so as, in the ruder ages of warfare, to constitute an almost impregnable natural defence. When the estate was first laid out by Markham, it consisted of 5431 acres; but a large portion of the ground was left in its forest state as a park for the governor, and he from time to time reduced its dimensions by a series of grants to different individuals. In this noble island his agents had begun to build, even before his first arrival in the country, a mansion worthy of the governor of a great province; and during his absence in England it had been completed. The front of the house, sixty feet long, faced the Delaware, and the upper windows commanded a magnificent view of the river and of the opposite shores of New Jersey. The depth of the manor house was forty feet, and on each of the wings the various outhouses were so disposed as to produce an agreeable and picturesque effect. The brew-house, a large wooden building covered with shingles,—Penn was not unused to the good old Saxon drink,—was at the back, some little distance from the mansion, and concealed among the trees. The house itself stood on a gentle eminence; it was two stories high, and was built of fine brick and covered with tiles. The entrance led by a large and handsome porch and stone steps into a spacious hall, extending nearly the whole length of the house, which was used on public occasions for the entertainment of distinguished guests and the reception of the Indian tribes. The rooms were arranged in suites with ample folding door, and were all wainscoted with English oak. A simple but correct taste was observable throughout; the interior ornaments were chaste, and the oaken capital at the porch was appropriately decorated with the carving of a vine and clusters of grapes. The more elaborate of these decorations had been sent from England by the governor. The gardens were the wonder of the colony for their extent and beauty. A country house, with an ample garden, was the governor's passion; and he spared neither care nor money to make the grounds of Pennsbury a little Eden. He procured in England and from Scotland the most skilful gardeners he could find. In one of his letters he speaks of his good fortune in having met with "a rare artist" in this line, who is to have three men under him, and if he cannot agree with Ralph, the old gardener, they are to divide the grounds between them, Ralph taking the upper gardens and the court-yards, the rare artist having charge of all the lower grounds; and he gives ample instructions as to every detail of their proceedings. Lawns, shrubberies, and flower-beds surrounded the manor on every side. A broad walk, lined with majestic poplars, led to the river brink by a flight of stone steps forming the descent from the higher terrace to the lower. The woods in the vicinity were laid out with walks and drives; the old forest trees were carefully preserved; the most beautiful wild flowers found in the country were transplanted to his gardens; trees and shrubs not indigenous to the soil were imported from Maryland; while walnuts, hawthorns, hazels, and various kinds of fruit-trees, seeds, and roots, were sent for to England.

The furniture of Pennsbury was to match. Mahogany was a luxury then unknown; but his spider tables and high-backed carved chairs were of the finest oak. An inventory of the furniture is still extant; there were a set of Turkey-worked chairs, arm-chairs foresee, and couches with plush and satin cushions for luxury and beauty. In the parlor stood the great leather chair of the proprietor; in every room were found cushions and curtains of satin, camlet, damask, and striped linen; and there is a carpet mentioned as being in one apartment, though at that period such an article was hardly ever seen except in the palaces of kings. His sideboard furniture was also that of a gentleman; it included a service of silver,—plain but massive,—blue and white china, a complete set of Tonbridge ware, and a great quantity of damask table-cloths and fine napkins. The table was served as became his rank, plainly but plentifully. Ann Nichols was his cook; and he used to observe in his pleasantry—"Ah, the book of cookery has outgrown the Bible, and I fear is read oftener—to be sure it is of more use." But he was no favorer of excess, because, as he said, "it destroys hospitality and wrongs the poor." The French cuisine, then in great vogue, was a subject of his frequent ridicule,—"The sauce is now prepared before the meat," says he, in his maxims, "twelve penny worth of flesh with five shillings of cookery may happen to make a fashionable dish. Plain beef and mutton is become dull food; but by the time its natural relish is lost in the crowd of cook's ingredients, and the meat sufficiently disguised from the eaters, it passes under a French name for a rare dish." His cellars were well stocked; Canary, claret, sack, and Madeira being the favorite wines consumed by his family and their guests. Besides these nobler drinks there was a plentiful supply, on all occasions of Indian or general festivity, of ale and cider. Penn's own wine seems to have been Madeira; and he certainly had no dislike to the temperate pleasures of the table. In one of his letters to his steward, Sotcher, he writes—"Pray send us some two or three smoked haunches of venison and pork—get them from the Swedes; also some smoked shads and beefs," adding with delicious unction,—"the old priests at Philadelphia had rare shads."

For travelling, the family had a large coach, but in consequence of the badness of the roads, even those between Pennsbury and Philadelphia, it was seldom used,—a calash in which they chiefly drove about,—and a Sedan chair in which Hannah and Letty went a shopping in the city, or to pay visits of ceremony to their female acquaintance in the near neighborhood. The governor himself went about the country on horseback, and from one settlement to another in his yacht. He retained the passion for boating, which he had acquired at Oxford, to the last; and that love of fine horses which the Englishman shares with the Arab did not forsake him in the New World. At his first visit to America he carried over three blood mares, a fine white horse not of full breed, and other inferior animals, not for breeding but for labor. His inquiries about the mares were as frequent and minute as those about the gardens; and when he went out for the second time, in 1699, he took with him the magnificent colt Tamerlane, by the celebrated Godolphin Barb, to which the best horses in England trace their pedigree. Yet Tamerlane himself could not win his master's affections from his yacht, a fine vessel of six oars, with a regular crew, who received their wages as such—and well deserved them while the governor was in the country. In giving some directions about his house and effects after his return to England, he writes of this yacht—"but above all dead things, I hope nobody uses her on any account, and that she is kept in a dry dock, or at least covered from the weather."

The dress and habits of the Penns at Pennsbury had as little of the sourness and formality which have been ascribed to the early followers of George Fox as the mansion and its furnishings. There was nothing to mark them as different to most well-bred families of high rank in England and America at the present day. Pennsbury was renowned throughout the country for its judicious hospitalities. The ladies dressed like gentlewomen,—wore caps and buckles, silk gowns, and golden ornaments. Penn had no less than four wigs in America, all purchased in the same year, at a cost of nearly twenty pounds. To innocent dances and country fairs he not only made no objection, but countenanced them by his own and his family's presence. His participation in the sports of the aborigines has been referred to already. Those gentler charities which had distinguished him in England continued to distinguish him in Pennsylvania; he released the poor debtor from prison,—he supported out of his private purse the sick and the destitute,—many of the aged who were beyond labor and without friends were regular pensioners on his bounty to the extent of six shillings a fortnight,—and there were numerous persons about him whom he had rescued from distress in England, and whom he supported wholly or in part until their own industry made them independent of his assistance. Some of the best pages of his history were written in his private cash-books.

Gleanings from Foreign Publications.

THE sale of the Waverly novels during the last two years has amonnted to 71,000 volumes.

——THE Dundee ratepayers, in public meeting assembled, had occasion, the other day, to "divide." The aristocracy took one side of the room, the democracy the other. A burley manufacturer, confronting a thin weaver, claimed the majority, and appealed to the greater area which his party covered. "That's no because their's mair o' ye," replied the weaver, "we've as muckle heads as ye, but ye've bigger bellies."

——THE POWER OF EMPHASIS.—They who had the good fortune of being in the House of Lords when her majesty last opened parliament, will probably never forget the effect produced on their raptured ear by the magnificent emphasis which Queen Victoria put upon the word *atrocious*, when she alluded to "the *atrocious* traffic in slaves." The word was worth a volume of comment and whole realms of evidence—it went to the hearts of all present, and it recalled up the record of scenes of horror which witnesses, before parliament, have made in connection with this traffic; and it sounded as a warning to every listener that he should not cease to forget that the traffic was ferocious, and that its ferocity must be untiringly warred against.—*Church and State Gazette.*

——MORAL RESPONSIBILITY IN MARRIAGE.—Man is a moral as well as a matrimonial animal, and owes duties to others even while securing bliss to himself. Marriage is sinful when we cannot give bread and education to our children; and it is no less sinful when we must needs bequeath to them incurable distempers of body or mind. Rich or poor, we must provide for the